

**QUESTION 6    THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II  
OR IN SOFTEST ANSWER SCREEN 6**

Gruetz Greengrocer Supply (GGS) is an Illinois produce wholesaler licensed to do business in the state of Michigan. About 70% of all cherries distributed to Michigan grocery stores are grown by farmers outside Michigan. After several harsh winters caused substantial freeze damage to cherry orchards, Michigan enacted a law that requires every cherry wholesaler doing business in the state of Michigan to pay an assessment of five cents per pound into the "Michigan Cherry Fund." The fund proceeds are distributed in their entirety to Michigan cherry farmers in order to offset the cost of the freeze damage and prevent the farmers from being forced out of business. Each Michigan cherry farmer receives a share of the total fund proceeds equal to his or her proportionate contribution to the state's total production of cherries.

GGS complied with the assessment for a few months, paying almost \$200,000 into the Michigan Cherry Fund. Starting in August 2013, however, GGS refused to make the payments. Instead, GGS filed suit, seeking an injunction against enforcement of the assessment on the ground that it violated the Commerce Clause of the United States Constitution.

**Applying principles of constitutional law, discuss whether GGS is likely to prevail. For the purposes of this question, presume that no federal laws have been enacted regarding the subject.**

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