

**QUESTION 5 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II OR IN
SOFTTEST ANSWER SCREEN 5**

Originally from Michigan, Pamela lived and worked in Argo City, North Carolina for nearly 20 years until October 2013. Pamela purchased a new Dendar Automotive sedan in June of 2002 from a dealership in Argo City. On April 6, 2013, Pamela was driving her Dendar Automotive sedan when it was rear-ended by a 10-ton dump truck, causing Pamela serious injuries.

At the time of the accident, Pamela's sedan was owned, registered, licensed, and insured in North Carolina. Dendar is a Michigan corporation headquartered in Kandor County, Michigan, but it does business in all fifty states and throughout the world. Pamela's sedan was designed in Michigan and manufactured at Dendar's Ohio plant.

Six months after the accident, Pamela moved back to Michigan, but continued to receive medical treatment at Jeweled Mountains Medical Center in North Carolina. On July 10, 2015, Pamela filed a product liability action against Dendar in Michigan (Kandor County Circuit Court), seeking monetary damages. Pamela alleges that her seat "collapsed" due to a defective seat design, causing her to suffer more severe injuries than she would otherwise have suffered.

Dendar moved for summary disposition under North Carolina's 12-year statute of repose for product liability actions, which provides that "[n]o action for the recovery of damages for personal injury, death, or damage to property based upon or arising out of any alleged defect or any failure in relation to a product shall be brought more than 12 years after the date of initial purchase for use or consumption." NC Gen Stat § 1-46.1(1). Pamela responded to Dendar's motion, and contends that the trial court should apply Michigan's statute of limitations, under which a personal injury action is timely if it is brought within 3 years of the date the plaintiff is harmed by the defendant's negligence.

1. What factors should the Michigan circuit court consider in reaching its choice of law decision and what law should it apply?

2. How should the circuit court decide Dendar's motion for summary disposition?

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