

**QUESTION 8 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK
III OR IN EXAMPLIFY ANSWER SCREEN 8**

On November 17, 2016, Peter, a Mississippi resident, was driving to work in his 2014 Declan Motors sedan. As Peter traveled along a rain-slicked road in Olympia, Mississippi, he lost control of the vehicle, skidded off the road, and crashed into a tree, sustaining serious injuries when the driver airbag failed to deploy.

At the time of the accident, Peter's vehicle was registered in Mississippi. Peter acquired the vehicle from his uncle, who originally purchased it from a Declan dealership in Georgia. Declan is a Delaware corporation with its headquarters and principal place of business in Michigan. The vehicle was designed at Declan's main engineering facility in Michigan, but manufactured in Kentucky. Declan has no offices or employees in Mississippi, but advertises nationally and sells vehicles in Mississippi through independent dealerships.

A few months after the accident, Peter filed a product liability action against Declan in Mississippi state court. Declan, however, was successful in having the case dismissed for lack of personal jurisdiction on the ground that Peter's claim did not arise out of Declan's activities in Mississippi.

Peter subsequently refiled his lawsuit in a Michigan circuit court. Peter alleges that his airbag did not deploy due to a defectively designed switch. According to Peter, Declan knew about the defect for several years, but decided not to declare a recall. In addition to economic damages, Peter seeks punitive damages under Mississippi law based on Declan's allegedly willful, wanton, and reckless disregard for his safety. Mississippi law permits recovery of punitive damages; Michigan law does not.

Peter has filed a motion for partial summary disposition, arguing that Mississippi law should govern his claim for punitive damages.

Applying Michigan law, fully discuss:

- 1. What factors should the court consider in reaching its choice of law decision and what law should it apply?**
- 2. How should the court rule on Peter's motion for partial summary disposition?**

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III*****
OR IN EXAMPLIFY ANSWER SCREEN 8**