

**QUESTION 4 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK
II OR IN EXAMPLIFY ANSWER SCREEN 4**

In a civil action filed in a Michigan circuit court, plaintiff claimed that defendant was liable for plaintiff's injuries suffered when plaintiff was hit by a car driven by defendant. Defendant filed a motion for summary disposition under MCR 2.116(C)(10), to which plaintiff filed a timely response. The court granted the motion, reasoning as follows:

"This Court concludes no genuine issue of material fact exists because: (1) defendant's testimony in the unsigned affidavit is more detailed than plaintiff's deposition testimony, and thus more worthy of belief as to what occurred; (2) statements made by a witness as to what a police officer said occurred, contained in a newspaper article attached to defendant's motion, is consistent with defendant's version of what occurred; (3) the Court decided last weekend to visit the accident scene and as a result concludes that defendant's version of what occurred is more accurate, and (4) as evidence, plaintiff only attached an affidavit in response to defendant's motion."

In deciding the motion the circuit court made multiple errors. Identify the errors and explain why the court erred in relying on them.

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