

QUESTION 2 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I

Paul Potine was an avid kayaker. On May 4, 2005, Potine went kayaking along the Red Cedar River in East Lansing, Michigan, in his brand new, state-of-the-art kayak. Drunk Donald, a resident of Kentucky, was operating a small motorboat along the river and enjoying both the unseasonably warm May weather and a few too many Margaritas. Potine noticed Donald motoring erratically toward him. Afraid that Donald did not see him, Potine began shouting and waving his paddle to make Donald aware of his presence. Despite Potine's warnings, Donald plowed into Potine's kayak from behind at a high rate of speed, flipping it over. Potine did not suffer any physical injuries, but his kayak, valued at \$2,000, was destroyed.

On June 15, 2009, Potine filed suit in Ingham Circuit Court alleging that Donald negligently operated his motorboat, causing injury to Potine's property. He sought \$2,000 in damages. Process was validly served on Donald at his Kentucky home. With the help of his attorney, Sam Shady, Donald filed an answer to the suit on July 22, 2009. Donald denied being negligent, but did not raise any affirmative defenses.

After dismissing Shady as his counsel, Donald has come to your firm seeking help for his defense. Your boss, a partner at the firm, believes that Donald might be able to have the suit dismissed for lack of personal jurisdiction (MCR 2.116[C][1]), lack of subject-matter jurisdiction (MCR 2.116[C][4]), and failure to file the suit within the appropriate statute of limitations (MCR 2.116[C][7]).

Your boss has asked you to prepare a memorandum for him explaining the likelihood of Donald prevailing on each of these grounds, in advance of a meeting with Donald that will occur later today, July 28, 2009.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I*******