

QUESTION 7 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III OR IN EXAMPLIFY ANSWER SCREEN 7

Jane brought her dog Fido to the local dog park owned by the city of Canine, Michigan. When she arrived, there were five other dogs running around in the fence-enclosed park. Fido was excited by the other dogs running around, and thus started to give chase. At the same time, 8-year-old Christian (whose dog was also in the park) was running after a ball that was rolling towards the other dogs. On Fido's way over to that same area of the park, Fido saw Christian and started giving chase to him. Christian, meanwhile, thought it was funny that Fido wanted to chase him, even though Fido had started barking. Jane yelled at Fido to stop, but because he was across the park, she decided not to do anything further. As Christian tried to run faster, he continued to call for Fido to "catch me." Fido soon did catch up to Christian, and bit him in the leg. Jane ran over to Christian and apologized, saying "Fido gets too excited when people run near him, though he has never actually bitten anyone."

Christian's parents sued Jane and the city of Canine, arguing that under both state statute and common law, Jane and the city were liable for Christian's injuries. Jane moved to dismiss, arguing that Christian could not prove she was liable under either theory. The city also moved to dismiss, arguing that it was immune from suit.

- 1. Explain whether Jane is liable under Michigan's statutory law.**
- 2. Explain whether Jane is liable under Michigan's common law.**
- 3. Explain whether the city is immune from suit under Michigan law.**