

**QUESTION 15 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V
OR IN SOFTEST ANSWER SCREEN 15**

The Delusory Institute of Technology (DIT), is a Delaware corporation domiciled in North Dakota. In marketing materials distributed throughout Michigan, DIT represents itself as "a nationwide online university." However, although DIT offers numerous degree programs, it has no classes. Instead, upon review of an applicant's resume and the payment of a nonrefundable application fee of \$495, a DIT representative makes a unilateral decision whether to award the requested degree. When a degree is awarded, a diploma is mailed from DIT's North Dakota headquarters to the applicant's home address. DIT awards an average of 10,000 degrees each year, 900 of which are, on average, awarded to Michigan residents.

In December 2015, Michigan resident Paul Pierrot attended a job fair in Detroit Michigan, hosted by DIT. Pierrot spoke with a sales representative employed by DIT, Don Dirk, who is an Indiana resident. Dirk represented that Pierrot would be eligible for a master's degree in finance from DIT, so Pierrot applied for such a degree. DIT accepted Pierrot's application fee and promptly mailed him a diploma indicating that he had earned a bachelor's degree in art history. DIT subsequently refused to supply a finance diploma unless Pierrot paid another application fee, and DIT refused to refund Pierrot's original fee.

Pierrot then filed a complaint against DIT and Dirk in a Michigan circuit court, alleging tort claims. In lieu of an answer, DIT filed a motion for summary disposition under MCR 2.116(C)(1), contending that the circuit court lacked in personam jurisdiction over DIT on both general and limited personal jurisdiction grounds. Dirk initially filed a general appearance and an answer denying the complaint's allegations. He asserted, as his sole defense, that Pierrot had failed to state a claim upon which relief could be granted. However, Dirk subsequently filed his own motion for summary disposition under MCR 2.116(C)(1), arguing that the circuit court also lacked in personam jurisdiction over him.

Analyze all issues raised in both defendants' respective motions for summary disposition based on lack of in personam jurisdiction, and state the proper disposition of both motions.

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