

**QUESTION 11 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV
OR IN SOFTEST ANSWER SCREEN 11**

Jerry and Ella were engaged in July 2014. As Jerry sat in the driver's seat of his car, which was parked overlooking a beautiful vista where they also had shared their first kiss, he asked Ella to marry him and gave her an engagement ring. Ella said "yes," and the wedding planning began.

A few months before the wedding, Ella discovered text messages on Jerry's phone which clearly indicated that Jerry had been unfaithful. Ella ended the engagement. Jerry recognized the error of his ways and pleaded with Ella to take him back, but Ella refused.

Heartbroken, Jerry could not bring himself to even be near the car. Instead, he loaned it to his friend Phil, who already had a car of the same make and model. As Jerry handed the keys to Phil, Jerry told Phil, "Do me a favor: Keep this car for a while until I can get over Ella. With all the memories tied up in this car, I can't even see it without becoming distraught."

The next day, Phil was rummaging in his garage for his golf clubs, which were high up on a shelf near where Jerry's car was parked. Without paying much attention to the contents of the shelf, Phil accidentally knocked down some heavy weights that fell and damaged the windshield of Jerry's car.

Jerry sues for the return of the engagement ring and Ella defends, saying a completed gift was made to her. Jerry is also contemplating a suit against Phil.

Applying Michigan law: (1) Will Jerry succeed in his suit to get the ring back from Ella? (2) Without regard to insurance, will Jerry succeed in a suit against Phil for damage to the car? Explain your answers.