

### Local Essay Question #2

On April 1, 2014, Ann, a resident of East Providence, Rhode Island, took her car to Bob's repair shop located in the neighboring town of Seekonk, Massachusetts for tire replacement and rotation. On her way back to East Providence, just before the Rhode Island state line, she was reading a text while driving and hit a pothole that had been blocked by bright orange traffic cones. The force of the impact with the pothole caused one wheel to come loose which, in turn, caused her to lose control and hit a tree just over the state line in Rhode Island. She sustained property damage and personal injuries.

Ann has sued Bob in Rhode Island Superior Court for negligence. It has been established that the mechanic who worked on Ann's car did not adequately tighten one or more of the lug nuts when reattaching the wheel to the car. Bob has argued that Ann's negligence in texting while driving contributed to her injuries. He has argued that Massachusetts law should apply. Ann has argued that Rhode Island law should apply.

The purpose of this question is to solicit your advice on whether the law of Massachusetts, which has a 50% comparative negligence cutoff, or the law of Rhode Island, which applies a pure negligence standard, would most likely apply in a trial of the case.

\*\*\*\*\*END OF LOCAL ESSAY QUESTION 2\*\*\*\*\*