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1. Question : TCO B. Infuriated when Harry Reid is re-elected during the 2010 fall election, the Republicans in Congress decide to take matters into their own hands. In 2011, the House of Representatives passes a new "Freedom isn't Free Act" that requires that anyone who wants to vote in the 2012 presidential election must prove that they paid at least \$200 in federal income tax in the past year, including people aged 18 (who typically are deducted on their parents' returns and do not pay income tax). Anyone who received the "earned income credit" is barred from voting unless they return the payment from the government. Proof of payment of the tax can be made by showing a copy of the prior year's W2, a copy of the prior year's tax return, or a signed statement from the IRS stating that the payment of more than \$200 in federal income tax has been made. Citizens who do not pay taxes can still vote if they donate \$200.00 to the federal government as voluntary income tax and get a statement from the IRS that they have done so. The law sunsets on December 31, 2012. List two bases under which someone impacted by this law could argue to have the law overturned.

2. Question : TCO F. When Vanna White sued Samsung for appropriation and under the Lanham Act, she won her case under the California common law right of publicity claim and under the Lanham Act. List the eight Sleekcraft factors that are required to prove a Lanham Act complaint.

3. Question : (TCO C) Bud Johnson owns a General Motors dealership in Pierre, South Dakota. At the request and expense of General Motors, Bud traveled to Phoenix, Arizona, for purposes of the demonstration of a new vehicle called the Roughrider, designed to compete against the current offering of SUVs. Bud went to the proving grounds in the desert around Phoenix and spent a day watching the vehicle demonstrations. Bud and other dealers drove the vehicles, and much dust resulted from their driving. A few weeks later, Bud became ill with flu-like symptoms. He was finally diagnosed as having coccidioidomycosis or "valley fever." Valley fever is a disease well known to Arizona residents, and most have had it if they have lived there over 10 years. Newcomers are particularly vulnerable to the disease because the exposure to dust seems to build up immunity among the residents.

Bud became quite ill and brought suit against the car manufacturer that invited him for its failure to warn him about the valley fever phenomenon before he came out to the testing grounds. Answer the following questions, and use cases and theories from the text to support your arguments:

Was there negligence in the failure of General Motors to warn Bud? (15 points)

Discuss all defenses General Motors may have. (15 points)

Does strict liability in torts apply to this situation? Why or why not? (10 points)

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David Kirk

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