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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)

Mgmt 520 Midterm Answer

Geoffrey C. Berresford

A red circular graphic with a gradient, appearing as a stylized arrow or a partial circle, located to the right of the author's name.

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Table of Contents Mgmt 520 Midterm Answer

1. Understanding the eBook Mgmt 520 Midterm Answer
 - The Rise of Digital Reading Mgmt 520 Midterm Answer
 - Advantages of eBooks Over Traditional Books
2. Identifying Mgmt 520 Midterm Answer
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Mgmt 520 Midterm Answer
 - User-Friendly Interface
4. Exploring eBook Recommendations from Mgmt 520 Midterm Answer
 - Personalized Recommendations
 - Mgmt 520 Midterm Answer User Reviews and Ratings
 - Mgmt 520 Midterm Answer and Bestseller Lists

5. Accessing Mgmt 520 Midterm Answer Free and Paid eBooks
 - Mgmt 520 Midterm Answer Public Domain eBooks
 - Mgmt 520 Midterm Answer eBook Subscription Services
 - Mgmt 520 Midterm Answer Budget-Friendly Options
6. Navigating Mgmt 520 Midterm Answer eBook Formats
 - ePub, PDF, MOBI, and More
 - Mgmt 520 Midterm Answer Compatibility with Devices
 - Mgmt 520 Midterm Answer Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Mgmt 520 Midterm Answer
 - Highlighting and Note-Taking Mgmt 520 Midterm Answer
 - Interactive Elements Mgmt 520 Midterm Answer
8. Staying Engaged with Mgmt 520 Midterm Answer
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Mgmt 520 Midterm Answer
9. Balancing eBooks and Physical Books Mgmt 520 Midterm Answer
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Mgmt 520 Midterm Answer
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Mgmt 520 Midterm Answer
 - Setting Reading Goals Mgmt 520 Midterm Answer
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Mgmt 520 Midterm Answer
 - Fact-Checking eBook Content of Mgmt 520 Midterm Answer
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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