

Court of Appeals, State of Michigan

ORDER

Carol Ann Estapa v Alternative Community Living Inc

Mark J. Cavanagh
Presiding Judge

Docket No. 304734

Henry William Saad

LC No. 2009-004945-NO

Elizabeth L. Gleicher
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the Macomb Circuit Court's June 2, 2011 opinion and order denying defendants' motion for summary disposition of plaintiff's claims is REVERSED. Plaintiff testified at deposition that the ice was approximately one inch thick, that she would "definitely" have seen the ice had she been looking down, and that she could have avoided the ice by taking a different route. There is no genuine issue of material fact that the risk of slipping and falling on the ice was open and obvious and did not present special aspects which make it unreasonably dangerous despite plaintiff's knowledge of the danger. *Riddle v McLouth Steel Products Corp*, 440 Mich 85; 485 NW2d 676 (1992); *Lugo v Ameritech Corp, Inc*, 464 Mich 512; 629 NW2d 384 (2001); *Royce v Chatwell Club Apartments*, 276 Mich App 389, 393-394; 740 NW2d 547 (2007), lv den 482 Mich 1045 (2008); *Ververis v Hartfield Lanes, (On Remand)*, 271 Mich App 61, 63; 718 NW2d 392 (2006), lv den 477 Mich 952 (2007). Accordingly, defendants were entitled to summary disposition of plaintiff's claims under MCR 2.116(C)(10).

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG 05 2011

Date


Chief Clerk