

Court of Appeals, State of Michigan

ORDER

Marilyn Rogan v Lam Nguyen LLC

Docket No. 330692

LC No. 15-137665-NO

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

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

Pursuant to MCR 7.205(E)(2), in lieu of granting leave to appeal, the Court orders that the Monroe Circuit Court's November 30, 2015 order denying defendant's motion for summary disposition is REVERSED. Plaintiff has failed to present any evidence supporting the inference that something slippery caused her fall. Specifically, neither she nor any other witness in this case could actually identify the presence of water, ice or any other slippery, foreign substance on the floor where she slipped. Further, there is no evidence that on the day plaintiff slipped, water or any other substance had in fact splashed out of the pedicure basin. Plaintiff's suggestion of something slippery on the floor is therefore entirely speculative. See *Skinner v Square D Co*, 445 Mich 153, 164; 516 NW2d 475 (1994). Accordingly, plaintiff has failed to show that defendant was on notice of a hazardous condition, let alone that defendant created any hazardous condition in the first place. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 609; 537 NW2d 185 (1995).

The motion to stay proceedings is DENIED as moot.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 05 2016

Date

Chief Clerk