Court of Appeals, State of Michigan

ORDER

Deyonne Smith v K Cole Inc

Docket No. 338518

LC No. 16-004995-NO

Michael J. Talbot
Presiding Judge

Kirsten Frank Kelly

Thomas C. Cameron
Judges

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

Pursuant to MCR 7.205(E)(2), the Court orders that the May 3, 2017 order denying defendant's motion for summary disposition is REVERSED. The hazard posed by a slippery entry floor on a rainy day was open and obvious, particularly where surveillance video shows that caution cones were posted. The hazard was a common condition and not uniquely dangerous. Plaintiff's desire to shop "does not equate with a compulsion to confront a hazard and does not rise to the level of a 'special aspect' characterized by its *unreasonable risk of* harm." *Hoffner v Lanctoe*, 492 Mich 450, 472-473; 821 NW2d 88 (2012).

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

SEP 28 2017

Date

Chief Clerk