

# Court of Appeals, State of Michigan

## ORDER

Sylvia D Haynes v Alberta Abernathy

Docket No. 341098

LC No. 16-010571-NO

Michael J. Talbot  
Presiding Judge

Michael J. Riordan

Thomas C. Cameron  
Judges

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

Pursuant to MCR 7.205(E)(2), the October 26, 2017 order of the Wayne Circuit Court denying summary disposition to defendant hereby is REVERSED. Considering the facts in a light most favorable to plaintiff, see *Maiden v Rozwood*, 461 Mich 109, 119-120; 597 NW2d 817 (1999), the record before this Court does not demonstrate that defendant is liable for the condition. Our Supreme Court has ruled that the presence of the wintery conditions and snow on the ground nearby during a Michigan winter make the risk of black ice open and obvious to a reasonably prudent person. *Ragnoli v North Oakland-North Macomb Imaging Inc*, 500 Mich 967; 892 NW2d 377 (2017). The record before this Court simply does not support that plaintiff was faced with an inherently dangerous hazard that she was inescapably required to confront such that the black ice was not an effectively unavoidable condition. *Hoffner v Lanctoe*, 492 Mich 450; 821 NW2d 88 (2012). This case is REMANDED for entry of an order of dismissal consistent with this order.

The motion for stay is DENIED.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



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

January 12, 2018  
Date

Chief Clerk