

Order

Michigan Supreme Court
Lansing, Michigan

January 13, 2017

Stephen J. Markman,
Chief Justice

153661

Robert P. Young, Jr.
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

DONALD J. RHODA Guardian/Conservator of
TREVOR RHODA, and TAMMIE WALKER,
Plaintiffs-Appellees,

v

SC: 153661
COA: 321363
Marquette CC: 13-051044-NI

PETER E. O'DOVERO, INC. d/b/a
MARQUETTE MOUNTAIN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 24, 2016 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, C.J. (*dissenting*).

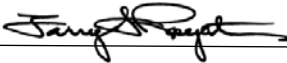
I would grant leave to consider whether the Court of Appeals correctly interpreted the Ski Area Safety Act, MCL 408.321 *et seq.* First, I would assess whether MCL 408.326a(d), which requires a ski operator to “[m]ark the top of or entrance to each ski run, slope, and trail which is closed to skiing with an appropriate symbol indicating that the run, slope, or trail is closed, as prescribed by rules promulgated under [MCL 408.340(3)]” applies to the closing of only an individual *feature* along a run, slope, or trail—in this case a snowboarding rail. Second, I would assess whether the correct legal standard was applied in addressing whether the rail constituted a ski hazard that “inhere[s] in the sport” and is thus “obvious and necessary” under MCL 408.342(2). Compare *Anderson v Pine Knob Ski Resort, Inc.*, 469 Mich 20 (2003).



a0110

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 13, 2017


Clerk