

Court of Appeals, State of Michigan

ORDER

Lynette K Luciani v Andres Properties LLC

Docket No. 274302

LC No. 05-519182-NO

Michael J. Talbot
Presiding Judge

Brian K. Zahra

Christopher M. Murray
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the October 20, 2006, order of the Wayne Circuit Court denying summary disposition to defendant hereby is REVERSED. Even taking the facts most favorably to plaintiff, the non-moving party, ice in a Michigan parking lot in December is a well-known, open and obvious danger such that defendant is not liable for plaintiff's injuries. See *Kenny v Kaatz Funeral Home, Inc*, 472 Mich 929; 697 NW2d 526 (2005) (*Kenny II*); *Lugo v Ameritech Corp, Inc*, 464 Mich 512, 519; 629 NW2d 384 (2001). As a matter of law, an ice-covered surface, such as the parking lot in this case, presents an open and obvious danger given the high probability that it will be slippery. See *Ververis v Hartfield Lanes (On Remand)*, 271 Mich App 61, 67; 718 NW2d 382 (2006). The record before this Court shows that the parking lot had no special aspects that would remove it from the open and obvious danger doctrine. See *Kenny II, supra*, citing *Kenny v Kaatz Funeral Home, Inc*, 264 Mich App 99, 121; 689 NW2d 737 (2004) Griffin, J., dissenting (*Kenny I*).

This case is REMANDED to the circuit court for further proceedings consistent with this order. 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 Sandra Schultz Mengel, Chief Clerk, on

APR 18 2007

Date

Sandra Schultz Mengel

Chief Clerk