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*"We truly enjoy our work...not only for the mental challenge it presents, but also because it provides us with the opportunity to serve and defend reputable clients. We receive great satisfaction from seeing the judicial system work as it was intended and assisting our clients through the process."*

## Judge Challenges Supermarket's Open & Obvious Defense

In denying a food store's motion for summary disposition based upon the open and obvious doctrine, a Wayne County Circuit Judge recently ruled that, under the circumstances of the case, the doctrine did not eliminate the defendant's duty of ordinary care. The plaintiff slipped and fell in a puddle of water. The judge indicated that the plaintiff could establish a premises liability case if the water was an unreasonably dangerous condition that existed for such a length of time that the store should have known about it and removed it.

The defendant food store filed an application for leave to appeal, which was denied by the Court of Appeals because it did not require immediate review.

## "Serious Impairment" Goes to the Michigan Senate

The Michigan House of Representatives recently passed a bill which amends the No-Fault Act and eviscerates the Michigan Supreme Court's *Kreiner* decision and its progeny. *Kreiner* held that a person injured in a motor vehicle accident cannot recover from a negligent driver unless the injured person demonstrates an objectively manifested impairment of an important body function which affects that person's ability to lead a normal life. The bill will make it more difficult to obtain summary disposition based on serious impairment. The bill is now in the Senate for review.

## Dismissal of Airport Slip and Fall Case

In her lawsuit against a rental car company, the plaintiff alleged she slipped and fell on ice as she was entering a vehicle parked at the curb of a city airport terminal. Before the fall, she had been inside the terminal conducting business with the rental car company. After discovery had concluded, Philip Reed filed a summary disposition motion on the basis that the defendant rental car company did not have possession and control of the area of the fall and, even if it did, the condition was open and obvious. The motion was supported by facts and information developed during discovery which the plaintiff could not contest. The Court granted summary disposition.