STATE OF MICHIGAN

COURT OF APPEALS

PATRICIA A. JACKSON,

Plaintiff-Appellant,

v

BON SECOURS COTTAGE HEALTH SERVICES, INC.,

Defendant-Appellee,

UNPUBLISHED
July 20, 2006

No. 259384
Wayne Circuit Court
LC No. 03-337889-NO

Before: Jansen, P.J., and Murphy and Fort Hood, JJ.

PER CURIAM.

In this premises liability action based on a slip and fall, plaintiff appeals as of right the trial court order granting summary judgment to defendant pursuant to MCR 2.116(C)(10). We affirm.

On February 12, 2003, as plaintiff was walking to her vehicle in defendant's parking lot, she allegedly tripped or slipped on a patch of black ice. It is undisputed that it snowed three to four inches the day before plaintiff's fall. Defendant plowed and salted the parking lot in the early morning of February 12, and no snow fell thereafter. Plaintiff alleged that defendant failed to remove accumulated ice and snow from the parking lot within a reasonable period of time. In granting summary disposition to defendant, the trial court held that defendant fulfilled its duty when it plowed and salted the parking lot.

On appeal, plaintiff argues that the trial court erred in granting summary disposition to defendant because defendant had a duty to reinspect its parking lot for dangerous conditions caused by snow melting and refreezing as ice. We review the trial court's decision on a motion for summary disposition de novo. *Smith v Globe Life Ins Co*, 460 Mich 446, 454; 597 NW2d 28 (1999). Summary disposition is proper under MCR 2.116(C)(10) if the affidavits and documentary evidence presented, viewed in the light most favorable to the non-moving party, show that there is no genuine issue of any material fact and the moving party is entitled to judgment as a matter of law. *Quinto v Cross & Peters Co*, 451 Mich 358, 362; 547 NW2d 314 (1996).

The parties do not dispute that plaintiff was an invitee on defendant's premises. A possessor of land owes a duty to its invitees "to exercise reasonable care to protect the invitee from an unreasonable risk of harm caused by a dangerous condition on the land." *Lugo v*

Ameritech Corp, Inc, 464 Mich 512, 516; 629 NW2d 384 (2001). This duty requires the possessor of land to take reasonable measures within a reasonable period to diminish the hazards of snow and ice accumulation. *Quinlivan v Great Atlantic & Pacific Tea Co, Inc*, 395 Mich 244, 261; 235 NW2d 732 (1975). A possessor of land must also take reasonable measures to diminish the hazards caused by snow melting and refreezing as ice. *Anderson v Wiegand*, 223 Mich App 549, 557-558; 567 NW2d 452 (1997).

Plaintiff presented no evidence of the weather conditions on February 12, 2003, other than her own testimony that February 12 was a very cold day and that it was very cold when she returned to defendant's parking lot after leaving the emergency room. Plaintiff has not presented any evidence to establish that the weather conditions were such that any snow in defendant's parking lot melted and refroze between the time defendant plowed and salted or the time plaintiff entered the emergency room, and the time she later fell. Accordingly, plaintiff has produced nothing more than mere speculation to support her claim that her slip and fall was caused by snow melting and refreezing as ice. A party may not rely on mere speculation and conjecture in opposing a motion for summary disposition. *Cloverleaf Car Co v Phillips Petroleum Co*, 213 Mich App 186, 192-193; 540 NW2d 297 (1995). Accordingly, plaintiff has failed to establish a genuine factual dispute concerning whether defendant breached its duty to reinspect the parking lot for newly formed ice. The trial court properly granted summary disposition in favor of defendant.

In light of our resolution of this matter, we need not consider plaintiff's argument that the trial court improperly relied on a previous unpublished opinion of this Court in reaching its decision.

Affirmed.

/s/ Kathleen Jansen
/s/ William B. Murphy
/s/ Karen M. Fort Hood