

# The Supreme Court Makes Slip and Fall Law a Little Better

Important Legal Update



Detroit News: <https://tinyurl.com/NewPremisesCase>

The Michigan Supreme Court on Wednesday chipped away at a longstanding legal doctrine that makes it tough to win slip-and-fall lawsuits in the state.

Donna Livings needed three surgeries after falling in an icy lot as she tried to get to work at dawn as a waitress at a suburban Detroit restaurant.

Livings died in 2020 at age 59, six years after the fall, and her estate now stands in as the plaintiff in the lawsuit. The court said in a 4-2 opinion that her family can continue to pursue a lawsuit against the property owner.

“Livings’ fall on the snow and ice occurred as she attempted to enter her workplace,” Justice David Viviano said. “She has raised an issue of material fact as to whether the conditions of the parking lot were effectively unavoidable.”

The case will return to Macomb County court.

It can be difficult to win injury lawsuits under Michigan’s “open-and-obvious” legal standard unless someone can show a hazard had “special aspects,” due to a series of decisions starting in 2001 by a Supreme Court that was dominated by conservatives.

“The practical result ... is that fewer cases find their way to Michigan juries,” Chief Justice Bridget McCormack said Wednesday in agreeing with Livings’ estate.

