

STATE OF MICHIGAN
COURT OF APPEALS

KATRINA MCKIM and STEVEN MCKIM,

Plaintiffs-Appellants,

v

FORWARD LODGING, INC., d/b/a QUALITY
INN FORWARD CONFERENCE CENTER,

Defendant-Appellee.

FOR PUBLICATION

May 10, 2005

9:10 a.m.

No. 251498

Ogemaw Circuit Court

LC No. 02-654140-NO

Official Reported Version

Before: Saad, P.J., and Smolenski and Cooper, JJ.

SAAD, P.J. (*dissenting*).

Because I agree with the trial court that the icy conditions were open and obvious, I would affirm, under the clear application of the rule of law articulated in *Lugo v Ameritech Corp*, 464 Mich 512, 516; 629 NW2d 384 (2001), and *Mann v Schusteric Enterprises, Inc*, 470 Mich 320; 683 NW2d 573 (2004).

/s/ Henry William Saad