

STATE OF MICHIGAN  
COURT OF APPEALS

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STANLEY ARNOLD MITCHELL,

Plaintiff-Appellant,

v

PREMIUM PROPERTIES INVESTMENTS  
LIMITED PARTNERSHIP, d/b/a/ QUALITY  
INN,

Defendant-Appellee.

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UNPUBLISHED

October 4, 2005

No. 253847

Roscommon Circuit Court

LC No. 02-723554-NO

Before: Zahra, P.J., and Cavanagh and Owens, JJ.

PER CURIAM.

Plaintiff appeals by right from the order granting defendant's motion for summary disposition under MCR 2.116(C)(10). We reverse and remand. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff claims that he slipped and fell on black ice that covered defendant's motel parking lot. He alleges that defendant failed to maintain a reasonably safe premises by not salting its parking lot between the motel and where plaintiff parked his car. We review the trial court's grant of summary disposition to defendant de novo. *Spiek v Michigan Dept of Transp*, 456 Mich 331, 337; 572 NW2d 201 (1998). We find that the trial court properly determined that the record indicated that defendant's employee salted the parking lot but that the court failed to recognize that the record also indicated that the employee did not salt the entire parking lot. The employee even admitted that he salted only around the parked cars and did not salt unoccupied parking spaces.

We also find that, in the absence of any articulated legislative or judicial policy, the court improperly took from a jury the question whether defendant took sufficient reasonable steps to diminish the hazard of black ice by salting the parking lot. Although salting a snow and ice-covered parking lot is reasonable, the court did not recognize that defendant's employee did not salt the entire lot. A rational jury could find that the failure to salt more of the lot, especially between the motel and the parked cars, was unreasonable because it was reasonably foreseeable that an invitee would leave the salted sidewalk and walk directly across the unoccupied parking spaces to his vehicle, and, thereby, be subjected to an unreasonable risk of harm of falling on unsalted black ice.

Reversed and remanded for further proceedings. We do not retain jurisdiction.

/s/ Mark J. Cavanagh

/s/ Donald S. Owens