

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PATRICIA HOJNACKI,

Plaintiff,

Case No. 17-11565

SPEEDWAY LLC,

HON. AVERN COHN

Defendant.

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**MEMORANDUM AND ORDER**  
**GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc. 8)**<sup>1</sup>  
**AND DISMISSING CASE**

I.

This is a tort case. Plaintiff alleges she was injured after a fall at a Speedway store. Before the Court is defendant's motion for summary judgment. For the reasons that follow, the motion is GRANTED. This case is DISMISSED.

II.

On March 15, 2016, plaintiff stopped at the Speedway gas station in Roseville, Michigan, to purchase gasoline and a soft drink. After pumping gas, plaintiff entered the store without incident, walked past the cashier, and down an aisle to the selfserve soda machine where she filled a 32-ounce plastic cup with Diet Coke. Plaintiff then turned and walked back towards the cashier along the same aisle she had just traveled. At some point, plaintiff slipped on "something slippery" and fell to the ground, spilling her drink all over the immediate area. Plaintiff later sued defendant claiming negligence.

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<sup>1</sup>Although originally scheduled for hearing, upon review of the parties' papers, the Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f)(2).

Defendants filed a motion for summary judgment on the grounds that although plaintiff alleges that she fell on “something slippery,” she has no evidence regarding the substance on which she allegedly fell. Defendant also says that plaintiff has no evidence regarding how—or when—the alleged “slippery” condition arose.

Plaintiff filed a response, stating that she is “not opposing Defendant’s Motion for Summary Judgment.” (Doc. 10).

### III.

Summary judgment is appropriate where the moving party shows that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). Upon a motion for summary judgment, the factual contentions are viewed in the light most favorable to the party opposing the motion for summary judgment. Duchon v. Cajon Co., 791 F.2d 43, 46 (6th Cir.1986). However, where, as here, the non-moving party does not formally oppose the motion for summary judgment, “summary judgment should, if appropriate, be entered” against the non-moving party. Fed. R. Civ. P. 56(e)(2).

Accordingly, for the reasons explained in defendant’s motion and supporting brief, summary judgment in defendant’s favor is appropriate.

SO ORDERED.

S/Avern Cohn  
UNITED STATES DISTRICT JUDGE

Dated: 2/13/2018  
Detroit, Michigan