

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

CHERYL CORRINO,

Plaintiff-Appellant,

v

WAL-MART STORES, INC.,

Defendant-Appellee.

---

UNPUBLISHED

June 12, 1998

No. 203233

Branch Circuit Court

LC No. 96-003163 NO

Before: Wahls, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant in this slip and fall case, based on a perceived lack of sufficient evidence to create a triable issue of fact as to whether the acknowledged cause of plaintiff's fall was, in whole or in part, a product of defendant's negligence. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

While shopping in defendant's store, plaintiff slipped and fell on shaving cream that was on the floor. After falling, she noticed there were several patches of shaving cream on the floor, some of which bore evidence of having been tracked through by shoes or shopping carts. Defendant's assistant manager asserted that an hour before plaintiff's fall he had inspected the entire store and failed to observe any such hazard.

The proprietor of a store must provide reasonably safe aisles for its customers, and is liable for injury resulting from any unsafe condition caused by the active negligence of itself or its employees. Additionally, the store is liable when the unsafe condition, otherwise caused, is known to the storekeeper or is of such a character or has existed a sufficient length of time that it should have knowledge of it. *Carpenter v Herpolsheimer's Co*, 278 Mich 697, 698; 271 NW 575 (1937). Here, evidence that the shaving cream had been tracked through by shoes and a shopping cart would permit a reasonable factfinder to infer that the shaving cream was on the floor a sufficient length of time that a proper program of careful inspection for the safety of business invitees would have disclosed the existence of the danger to defendant. *Ritter v Meijer, Inc*, 128 Mich App 783, 786-787; 341 NW2d

270 (1983), and cases there cited. Accordingly, a triable issue of fact is presented and summary disposition was improperly granted.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage