

STATE OF MICHIGAN
COURT OF APPEALS

NAJAH KHALED,

Plaintiff-Appellant,

v

SALIM ELLHAM,

Defendant-Appellee.

UNPUBLISHED

June 23, 1998

No. 201609

Wayne Circuit Court

LC No. 96-619565 NO

Before: Wahls, P.J., and Holbrook, Jr. and Fitzgerald, JJ.

PER CURIAM.

Plaintiff appeals as of right the order granting summary disposition pursuant to MCR 2.116 (C)(10) in favor of defendant in this premises liability action. We affirm.

Plaintiff, defendant's mother-in-law, slipped and fell on icy porch steps while visiting defendant and his family. Plaintiff contends defendant was negligent in allowing the ice to accumulate on the porch and in failing to make the premises reasonably safe. We disagree.

There is no dispute that plaintiff was a social guest and, therefore, a licensee at the time of her fall. *Wymer v Holmes*, 429 Mich 66, 71 n 1; 412 NW2d 213 (1987). A landowner has no duty to a licensee to remove the natural accumulation of ice and snow from its premises except where the landowner, through his own actions, has increased the hazard to a licensee. *Anderson v Wiegand*, 223 Mich App 549, 555; 567 NW2d 452 (1997); *Morrow v Boldt*, 203 Mich App 324, 327-328; 512 NW2d 83 (1994). Here, there was no indication that defendant took any affirmative action which increased the hazard to plaintiff. Further, a landowner is only liable for injuries to a licensee when a landowner knows or has reason to know that a dangerous condition exists on land, and the risk of harm to the licensee was not known or discoverable to the licensee. *Preston v Sleziak*, 383 Mich 442, 451-453, 175 NW2d 759 (1970); *D'Ambrosio v McCreedy*, 225 Mich App 90, 93; 570 NW2d 797 (1997). Here, the icy condition of the porch steps was open and obvious. Plaintiff testified she noticed something falling from the sky which froze when it hit the ground, and plaintiff's daughter testified that she warned plaintiff to be careful because the ground was icy. Because defendant owed no duty to plaintiff to remove natural accumulations of snow and ice, and because there is no genuine issue of fact

that the icy condition

was open and obvious, the trial court properly granted defendant's motion for summary disposition. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 617-618; 537 NW2d 185 (1995).

Affirmed.

/s/ Myron H. Wahls

/s/ Donald E. Holbrook, Jr.

/s/ E. Thomas Fitzgerald