

No Jackpot for Plaintiff: Court Upholds Dismissal in Casino Slip-and-Fall

By Pandora Pando

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In *Anthony v Greektown Casino LLC*, unpublished per curiam opinion of the Court of Appeals, issued September 15, 2025 (Docket No. 370542), the Court affirmed dismissal of Plaintiff's premises liability case. This case arose from a slip-and-fall in the women's restroom at Greektown Casino in Detroit. The ruling highlights the importance of adequate warnings and the continuing use of the open and obvious doctrine after *Kandil-Elsayed v F & E Oil, Inc*, 512 Mich 95 (2023).

Plaintiff visited Greektown Casino with family and friends on the evening of October 28, 2021. Around 2 a.m. on October 29, she left the slot machines to use the restroom. Video surveillance revealed a wet-floor sign at the restroom hallway and a custodian mopping. Plaintiff admitted seeing both the sign and the custodian but jogged past them. Moments later, she slipped and fell near the restroom stalls, just out of camera view. Plaintiff needed help from her friend, the custodian, and casino security to stand. Plaintiff was treated at a hospital. The incident report filed by security confirmed the wet-floor sign.

In January 2023, Plaintiff sued for negligence and premises liability based on her slip-and-fall injuries. She argued the casino failed to properly warn her by not posting a wet-floor sign inside the restroom. She also claimed a delayed response after her fall showed poor supervision. The casino sought summary disposition, asserting the case was solely premises liability and that no breach occurred. The trial court agreed and dismissed the case.

On appeal, the Court of Appeals affirmed. The Court explained that Plaintiff's claims arose from "a condition of the land," fitting only under a premise liability theory. Attempts to reframe the case as ordinary negligence were rejected.

Addressing the breach, the Court found the casino provided adequate warning. The wet-floor sign stood just steps from where Plaintiff slipped. Further, Plaintiff admitted seeing it and the custodian before entering the restroom. The Court concluded that the wet-floor sign "was sufficient to warn her of the wet-floor condition in the women's restroom." *Id.*, unpub op at 3.

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The Court of Appeals' decision in *Anthony v Greektown Casino LLC* reinforces that Michigan courts expect a standard of reasonable care, not perfection. One visible sign an entrance may discharge a business's duty, especially when the plaintiff saw it and noticed custodial activity nearby.

Summary disposition remains a strong defense tool in premises liability litigation. For businesses and insurers, the takeaway is clear: one clear warning can be enough.

The open and obvious nature of the condition further supported dismissal. *Kandil-Elsayed* clarified the open and obvious doctrine, specifically its relevancy to breach and comparative fault analysis rather than duty. Here, the Court emphasized that the average person would have noticed the wet floor. Plaintiff’s decision to rush into the restroom without adjusting her pace “does not negate the open and obvious nature of the condition.” *Id.*

Finally, the Court dismissed Plaintiff’s claims of an inadequate response. Custodial staff were nearby, and security arrived within 15 minutes. The Court ruled that this timeline did not show a breach of duty.

This decision is a strong reminder that one clear warning can satisfy a business’s duty to protect invitees from hazardous conditions. Plaintiffs cannot avoid premises liability defenses by labeling their cases as negligence. Courts will continue to evaluate warning signs and obvious conditions as central to these disputes.

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