

SECRET WARDLE SUCCESS STORIES

ATTORNEY: Jack Weston, Executive Partner and Lauren A. Sterrett, Executive Partner

TYPE OF CASE: Negligence/Premises Liability

COURT/CASE #: Macomb County Circuit Court

DATE OF DISPOSITION: September 23, 2025

NAME OF JUDGE(S): Hon. Joseph Toia

DEMAND: \$1,000,000

VERDICT/SETTLEMENT AMOUNT: Summary disposition granted via decision on Motion for Reconsideration

KEYS TO THE CASE:

This case arises out of an incident which occurred on August 30, 2022, during which Plaintiff was riding his electric bicycle when he ran into a telecommunications cable that was strung across the sidewalk. On August 29, 2022, a severe storm with high winds came through the area, resulting in several downed trees and lines. Significantly, the downed line was not reported until August 31, 2022, when the Armada Township Fire Department received a call. The downed cable was never reported prior to the incident. On May 14, 2025, Defendant filed a Motion for Summary Disposition claiming (1) Plaintiff's claim sounded exclusively in premises liability, and (2) Defendant did not have actual or constructive notice of an alleged hazardous condition nor did they have a duty to inspect each and every line following the storm. The Court heard oral argument and initially issued a written opinion denying the Motion for Summary Disposition. In doing so, the Court held that because Defendant did not own or possess the sidewalk where the incident occurred, Plaintiff's claim sounded in negligence as opposed to premises liability. On September 23, 2025, the Court granted Defendant's Motion for Reconsideration, finding that the Court erred when it previously held that Plaintiff's claim sounded in ordinary negligence rather than premises liability. The Court ultimately agreed with Defendant that a lack of possession merely abrogates the duty in premises liability rather than converting a claim arising from a condition on the land into one of negligence. Because the Defendant did not hold a possessory interest over the sidewalk in question, they owed no duty to Plaintiff to prevent his injury. The Court further held that there was no evidence that Defendant had actual or constructive notice of the downed wire.

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