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A GUIDE FOR PROPERTY OWNERS AND INSURERS IN A LITIGIOUS SOCIETY

I Saw the Sign! A Conspicuous Warning is Sufficient

By Steven P. Meerschaert **February 27, 2026**

Michigan winters invariably bring ice and snow, and these in turn result in slips and falls. The resulting injuries are often the catalyst for a premises liability suit against those who control the property wherein the fall occurs. These can be costly, so proprietors are eager to understand how to protect themselves from an avoidable lawsuit. As the Court of Appeals held in *Lam v Meijer Inc*., it may be as simple as a well-placed sign.

The case arose from a slip-and-fall in Meijer's bottle-return area, where a tall yellow caution sign was positioned near the entrance. *Lam v Meijer, Inc*, (Docket No. 372340) at *1. The Plaintiff argued that Meijer remained liable because an employee walked past her without warning her about the puddle or assisting her. *Id*. at *3. The Court rejected this argument, noting that the existing caution sign already warned of the wet-floor condition, and the mere possibility that additional warnings could have been provided does not create a triable issue of fact. *Id*. The Plaintiff also contended that negligence arose from the employee leaving her in the puddle and from the placement of the sign near the entrance rather than closer to the wet areas. *Id.* at *4. Both arguments failed because any duty implicated stemmed from Meijer's obligations as a land possessor to warn invitees of known dangers—duties that Meijer had already met through the posted caution sign. *Id*.

Accordingly, the Court held that the trial court properly dismissed the Plaintiff's premises liability claim. The trial court also correctly dismissed her negligence claim because as the Court of Appeals noted, both of her claims "sounded" in premises liability. This means that the nature of the claim, rather than the framing chosen by Plaintiff, will determine the applicable standard. The Court further noted that wet floors are common in bottle-return areas, so the additional presence of a conspicuous warning sign adequately notified customers of the risk.

As reported in a previous edition of this newsletter, the Court of Appeals has consistently ruled that a conspicuous wet-floor sign provides adequate warning of potential danger for invitees. https://www.secrestwardle.com/2025/11/no-jackpot-for-plaintiff-court-upholds-dismissal-in-casino-slip-and-fall/ This latest case continues the Court's clear messaging to civil law practitioners and would-be plaintiffs that it is the "reasonable person standard," and not subjective hindsight that determines whether a premises claim moves on to a jury.

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The Michigan Court of Appeals in *Lam v Meijer Inc.* affirmed summary disposition for Defendant Meijer, effectively disposing of the claims. The case arose due to a slip and fall in the store's bottle-return area, where the Plaintiff slipped in a puddle on the floor. The Court of Appeals found that there was no error in the dismissal, as the store had conspicuously placed a wet-floor sign in the area that adequately warned all customers of the risk. The remaining ordinary negligence charges were also rightly dismissed by the trial court, because they ultimately were still premises liability claims framed in ordinary negligence language.

The holding by the Court of Appeals here continues the standard of applying a reasonable person standard to analysis of a premises possessor's duty, regardless of whether more could theoretically have been done to prevent harm. The Court noted that "a plaintiff can almost always argue that a land possessor could do more to warn about a hazardous condition on the land, which is presumably why that is generally not the relevant inquiry." *Lam* at *3. Business owners and managers under this standard need only to act reasonably to warn of hazards, and are not expected to make their premises injury-proof.

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