

No Evidence, No Defect, No Causation

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In *Estate of Smith v Protector Window & Door, Inc.*, unpublished opinion of the Michigan Court of Appeals, issued June 16, 2026 (Docket No. 375146), the Court of Appeals affirmed summary disposition for Defendants in a residential slip-and-fall case. The Court held that Plaintiff failed to present evidence establishing any defects or malfunctions that caused the fall, and by extension, injuries. The Court also noted that evidence of Defendant's subsequent repair of the door was inadmissible under MRE 407.

Defendant was hired to install a front security door on the home of Plaintiff's grandmother. Defendant's installer testified he could not remember whether or not he demonstrated how to use the door to the residents of the home but did say that it was his regular practice to do so. Decedent's grandmother testified that she observed the installer open and close the door a few times but had no further instruction on it. Shortly after the door's installation, it began slamming shut. Decedent's grandmother and personal representative began calling Defendant to fix the issue but received no response. In April 2022, Decedent fell in the door's opening and claimed that the door had closed on her foot, sustaining a fractured femur.

The Court emphasized that a premises liability plaintiff must present sufficient evidence to establish factual causation attributed to the defendant. To prove factual causation here, Decedent would have needed to trace her fall to a defective condition to the door. Decedent had passed away before she had the opportunity to testify and had a myriad of other health problems. These health problems included a documented loss of sensation in her feet, as well as a limp. There was no testimony linking the fall with any alleged defective condition. Instead, Plaintiff only presented an answer to an interrogatory. The Court used *Skinner* to reason that while circumstantial evidence may sometimes be adequate, circumstantial proof must facilitate reasonable inferences of causation, not mere speculation. *Skinner v Square D Co*, 445 Mich 153 (1994). The evidence submitted established that the door closed on Plaintiff's foot but did not evidence a defect or malfunction that caused Plaintiff's fall and injury. Considering the lack of evidence to establish causation, along with Plaintiff's other health issues, the Court affirmed the trial court's dismissal.

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Smith reinforces the fact that uncertainty can break the chain of causation needed to trace a claim back to a defendant's alleged fault. Plaintiffs must establish a clear chain of causation, free of speculation, between the alleged breach and the injury. Other factors, like previous health issues, lack of clear evidence, and speculation may breach the causation chain to the point the claim cannot survive summary disposition.

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