McCOLLUM CROWLEY

CASE LAW UPDATE

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LET IT SNOW: NO DUTY TO REMOVE ICE & SNOW UNTIL INCLEMENT WEATHER STOPS

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St. Aubin v. Casey's General Store, No. A15-1306 (Minn. Ct. App.) (unpublished) — Under long-standing precedent, Minnesota businesses have no duty to remove ice and snow from parking lots and walkways until ongoing precipitation ceases. The Minnesota Court of Appeals reiterated this principle in a brief, unpublished opinion, holding that a Casey's General Store in Marshall, Minnesota, did not violate its duty to exercise reasonable care when a customer slipped on ice in the parking lot during an episode of freezing rain.

On March 6, 2010, the plaintiff made an early morning trip to Casey's to buy some doughnuts. By the time she arrived in the Casey's parking lot, a freezing rain had already begun to fall, and the plaintiff took special care to keep her footing while traversing the icy parking lot to enter the store. When she exited the store a few minutes later, she again exercised caution in the freezing rain, but slipped and fell while getting into her vehicle. Although store employees had salted the parking lot before the plaintiff's arrival, the ground remained too slippery for the 78-year-old plaintiff to keep her balance. The plaintiff then sued Casey's, claiming the business had been negligent in maintaining the parking lot.

Finding that the precipitation was unquestionably ongoing when the plaintiff slipped and fell, the district court ruled on summary judgment that Casey's — at the time of the fall — had no duty to keep the lot clear of ice and snow. The district court therefore dismissed the plaintiff's claims, relying on the Supreme Court's decision in *Mattson v. St. Luke's Hosp. of St. Paul*, 98 N.W.2d 743 (Minn. 1958). *Mattson* held that "[r]easonable care requires only that the possessor [of land] . . . remove . . . ice and snow, or take other appropriate corrective action, within a reasonable time *after the storm has abated*."

In its brief opinion, the Minnesota Court of Appeals agreed. The court rejected the plaintiff's requests to limit the *Mattson* holding to instances of "heavy" precipitation only. The plaintiff also argued that, because Casey's had attempted to salt the walkways during the ongoing precipitation, Casey's assumed a duty to salt adequately. But the court determined that such a rule would violate public policy "because it would deter a landowner from trying to combat the elements during inclement weather for fear that the landowner would be held to a higher standard of care than if he or she had waited out the inclement weather."■

If you have any questions regarding this case law and how it might affect you or your business, contact attorney Leon P. Wells at 952.345.9863 or at lpw@mccollumlaw.com.