

**QUESTION 1     THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I**

It was a cold, snowy January day in Michigan. John Smith drove to the local grocery store, We Are Food (WAF), early in the morning. He could not go the night before as there had been a freezing rain which made roads icy. By the time of Smith's arrival at the store, approximately one inch of snow covered the parking lot, and it was still snowing. Before exiting his car, Smith saw a friend, Lauren, walking towards the store's only entrance. A few feet from the entrance to the store, Lauren slipped twice, but did not fall. After watching Lauren slip, Smith exited the vehicle and carefully made his way, without incident, into the store. Meanwhile, the owner of WAF was trying to call the local snow removal company to clear the accumulating snow.

After purchasing some items, Smith left the store with Lauren. Both were carrying a bag of groceries and were engaged in conversation. Smith was a few feet out the door when he slipped and fell, breaking his arm. After Smith fell, Lauren declared "that is right were I slipped and almost fell coming in."

Smith sued WAF for negligence. **Explain (1) the elements of his claim, and (2) whether WAF had a duty to Smith, and, if so, whether it was breached. Explain your answers.**

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