

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

LOUIS MIELE,  
Plaintiff

vs.

THE WILIAMSPORT MUNICIPAL AIRPORT  
AUTHORITY and WILLIAM MACINNIS, JR. and  
TODD KAUFMAN, General Partners, Trading as  
MOUNTAIN SPRINGS LANDSCAPING AND  
LAWNCARE,  
Defendants

: NO. 09 – 00,303  
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: CIVIL ACTION - LAW  
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: Motion for Summary Judgment

**OPINION AND ORDER**

Before the Court is a Motion for Summary Judgment filed by Defendant Williamsport Municipal Airport Authority (hereinafter “Defendant”) on March 4, 2010. Argument on the motion was heard April 20, 2010.

The instant action arises from a slip and fall in the long term parking lot of the Williamsport Regional Airport. Approximately three inches of snow had fallen two days before the fall, and Mountain Springs Landscaping and Lawncare had plowed the driving lanes of the parking lot, but had not removed snow from between the parked cars. Between the time of the snowfall and Plaintiff’s fall, the temperature had fluctuated above and below 32 degrees Fahrenheit, allowing existing snow to melt and refreeze. Plaintiff claims he fell on black ice and that Defendant was negligent in failing to remove said ice or warning him of its existence. In its motion for summary judgment, Defendant contends Plaintiff’s claims are barred by the hills and ridges doctrine.

According to that doctrine, property owners are shielded from liability for “generally slippery conditions resulting from ice and snow” where they have not

permitted ice and snow to unreasonably accumulate in ridges or elevations that remain for an unreasonable amount of time. Beck v. Hollytree Homeowners Association, 2010 U.S. Dist. LEXIS 19280 (E.D. Pa. March 1, 2010). To recover, a plaintiff must show that snow and ice had accumulated in ridges or elevations of such size and character as to unreasonably obstruct travel and constitute a danger to pedestrians, that the property owner had either actual or constructive notice of the existence of such condition and that it was the dangerous accumulation which caused the plaintiff to fall. Id.

In the instant case, Plaintiff contends the doctrine does not apply as conditions were not generally slippery because the snowfall had occurred two days prior. It does appear that an issue of material fact is presented by the circumstances herein, and the Court cannot grant summary judgment on this ground.

Defendant argues nevertheless that Plaintiff cannot show it had actual or constructive notice of the black ice and it is thus entitled to summary judgment even if the hills and ridges doctrine is held inapplicable. It appears there is no dispute that Defendant did not have actual notice of the condition. Plaintiff argues that Defendant had constructive notice, however, as at least five hours would have elapsed between the formation of the black ice and Plaintiff's fall.<sup>1</sup> The Court finds as a matter of law that five hours is insufficient based on the Court's reasoning in Beck, *supra*, wherein it was determined that even 24 hours was not a "significant period of time prior to the accident". Therefore, since

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<sup>1</sup> Plaintiff bases this estimate on evidence that the temperature fell below freezing the night before the fall, that the airport opened at 6:00 a.m., and that Plaintiff's fall was after 11:00 a.m. The Court will assume for purposes of the instant motion that Plaintiff's estimate is correct, even though it is actually highly speculative.

Plaintiff cannot show constructive notice as a matter of law, Defendant is entitled to summary judgment.

**ORDER**

AND NOW, this            day of April 2010, for the foregoing reasons, Defendant's Motion for Summary Judgment is hereby GRANTED. Judgment is hereby entered in favor of Defendant Williamsport Municipal Airport Authority and against Plaintiff.

BY THE COURT,

Dudley N. Anderson, Judge

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