

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

JULIE HOLZHAUSEN, Plaintiff/Appellant,	)	No. ED98252
and	)	Appeal from the Circuit Court
DALE HOLZHAUSEN, Plaintiff,	)	of the City of St. Louis
v.	)	Honorable Robert H. Dierker, Jr.
BI-STATE DEVELOPMENT AGENCY,	)	Honorable Joan L. Moriarty
D/B/A METRO, and	)	Date: August 13, 2013
ST. LOUIS CARDINALS, L.L.C.,	)	
Defendants/Respondents,	)	
and	)	
DAVID MASON & ASSOCIATES, Defendant.	)	

Plaintiff, Julie Holzhausen, appeals from the entry of separate summary judgments in favor of defendants, Bi-State Development Agency and St. Louis Cardinals, L.L.C., in her premises liability lawsuit to recover damages for personal injuries suffered when she slipped and fell from an embankment owned by the Cardinals onto the below-grade Metrolink light rail track area operated by Metro.

AFFIRMED.

Division Two Holds:

1. The existence of the ledge and drop-off to the below-grade rail tracks was open and obvious as a matter of law.
2. The summary judgment facts do not support a conclusion that defendants should have anticipated harm to the invitee notwithstanding the obvious nature of the ledge and drop-off.
  - a. The summary judgment facts do not support a conclusion that defendants had reason to expect that an invitee's attention may be distracted so that the invitee would not discover the open and obvious ledge and drop-off to the below-grade light rail tracks.
  - b. The summary judgment facts do not support a conclusion that defendants had reason to expect that an invitee would proceed to encounter the ledge and drop-off after climbing through the pipes because to a reasonable person the advantage of doing so would outweigh the apparent risk.

Opinion by: Kathianne Knaup Crane, P.J.  
Mary K. Hoff, J., concurs.  
Lisa Van Amburg, J., dissents in a separate opinion.

Attorneys for Appellant: Patrick J. Hagerty and Kaitlin A. Bridges

Attorney for Respondent Bi-State: Denis C. Burns

Attorneys for Respondent St. Louis Cardinals, L.L.C.: Thomas B. Weaver, Jay A. Summerville,  
and Darryl M. Chatman

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