

# Order

Michigan Supreme Court  
Lansing, Michigan

May 21, 2025

Megan K. Cavanagh,  
Chief Justice

167665

Brian K. Zahra  
Richard H. Bernstein  
Elizabeth M. Welch  
Kyra H. Bolden  
Kimberly A. Thomas,  
Justices

ROBERT SCOTT SWANSON and BONNIE  
SWANSON,  
Plaintiffs-Appellees,

v

SC: 167665  
COA: 366258  
Allegan CC: 2022-065127-NO

BITTERSWEET SKI RESORT, INC., and  
CHRISTINA REGALADO,  
Defendants-Appellants.

On order of the Court, the application for leave to appeal the August 29, 2024 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REVERSE Part III(B) of the judgment of the Court of Appeals. The Court of Appeals erred by holding that the release in question is ambiguous. Instead, the release clearly states that plaintiff Robert Swanson “voluntarily assume[d] all risks of . . . personal injury . . . while on the premises of the ski areas” and he “expressly release[d] from liability the ski area, [its] agents, [and its] employees . . . from any and all claims . . . which [he] now has or which may hereafter accrue on account of any foreseen or unforeseen bodily injuries and/or damages.” “[A]ny and all claims” clearly include those claims that arose while Robert was working as a volunteer ski patroller. The Court of Appeals erred by “creat[ing] ambiguity where the terms of the contract are clear.” *Kendzierski v Macomb Co*, 503 Mich 296, 311 (2019) (quotation marks and citation omitted). In lieu of addressing the merits of the defendants’ argument regarding the Ski Area Safety Act of 1962, MCL 408.321 *et seq.*, we also VACATE Part III(A) of the judgment of the Court of Appeals and REMAND this case to that court for consideration of the issue raised by the plaintiffs but not addressed by that court during its initial review of this case.

We do not retain jurisdiction.



a0514

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 21, 2025

Clerk