

STATE OF MICHIGAN
COURT OF APPEALS

JOHN C LaPRAD and TAMMY C. LaPRAD,

Plaintiffs-Appellants,

v

WOODLAND HEIGHTS MODELS and EDWARD
ROSE ASSOCIATES, INC.,

Defendants-Appellees.

UNPUBLISHED

February 18, 1997

No. 189076

Wayne Circuit Court

LC No. 94-407599-NO

Before: Taylor, P.J., and Gribbs and R. D. Gotham,* JJ.

PER CURIAM.

Plaintiffs appeal the circuit court's order granting summary disposition on the ground that plaintiff's injury did not occur in a common work area of the construction site. We affirm.

A general contractor is obligated to take "reasonable steps within its supervisory and coordinating authority ...to guard against readily observable, avoidable dangers in common work areas which create a high degree of risk to a significant number of workmen." *Funk v General Motors Corp*, 392 Mich 91, 104; 220 NW2d 641 (1974); *Phillips v Mazda Motor Mfg*, 204 Mich App 401, 406-407; 516 NW2d 502 (1994); *Johnson v Turner Construction*, 198 Mich App 478; 499 NW2d 27 (1993). Plaintiffs contend that the trial court erred in determining that plaintiff was not injured in a "common work area". Plaintiff's injury occurred when he was performing rough carpentry work in the kitchen of a house. Plaintiff created a platform about fourteen inches high by placing a plank on two empty drywall buckets. Plaintiff was injured when the plank slipped and he fell on his back.

The trial court determined that, while the kitchen of the house was a common work area, the *platform* was plaintiff's work area, and was not part of the "common area" because it was not used by anyone except plaintiff. The trial court also noted that, even assuming a fourteen inch platform could create a "high degree of risk", a "significant number of workmen" was not

* Circuit judge, sitting on the Court of Appeals by assignment.

affected, because plaintiff was the only worker using the platform. We agree. See *Groncki v Detroit Edison Company*, ___ Mich ___; ___ NW2d ___ (1996) (Nos. 101954, 102212, 102650, 103455, rel'd 12-30-96), slip op at 16-17. While plaintiff alleged that other workers would share the kitchen area, there was no allegation that the platform set up by plaintiff would be used by any other worker. *Id.* The trial court did not err in granting summary disposition in this case.

Affirmed.

/s/ Clifford W. Taylor

/s/ Roman S. Gibbs

/s/ Roy D. Gotham