

STATE OF MICHIGAN
COURT OF APPEALS

GARRISON JONES,

Plaintiff-Appellant,

v

DENISE HENDERSON,

Defendant-Appellee.

UNPUBLISHED

July 25, 1997

No. 192535

Oakland Circuit Court

LC No. 95-494486 NO

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Plaintiff appeals by right the Oakland Circuit Court's order of summary disposition in favor of defendant in this negligence case arising from a slip and fall injury. This case is being decided without oral argument pursuant to MCR 7.214(E).

Granting, *arguendo*, that plaintiff was a business invitee, *LeVeque v LeVeque*, 41 Mich App 127; 199 NW2d 675 (1972), and that defendant had a duty to plaintiff to take reasonable measures, within a reasonable time after an accumulation of ice and snow, to remove such natural accumulation, *Quinlivan v Great Atlantic & Pacific Tea Co*, 395 Mich 244; 235 NW2d 732 (1975), any such duty did not extend further then to protect invitees from unreasonable risks of harm. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 614; 537 NW2d 185 (1995). Plaintiff makes no claim that, by exercising due care for his own safety, he would have been unable to skirt any remaining patches of ice and snow in defendant's driveway and gain access to the front door of defendant's residence to perform plumbing services by stepping only on dry pavement. Accordingly, whatever hazard remained from the defendant's incomplete removal of ice and snow was not unreasonable, and as this is an issue on which reasonable minds could not differ, no basis for tort liability has been established.

As the trial court's ruling was correct as a matter of law, any statement the trial judge made concerning the binding precedential nature of *Bertrand*, *supra*, is irrelevant to the outcome and furnishes no separate basis for appellate relief. *Williams v Lakeland Convalescent Center*, 4 Mich App 477, 483; 145 NW2d 272 (1966).

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

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn