

STATE OF MICHIGAN
COURT OF APPEALS

PAULA BUTLER and BRENDAN RUTHERFORD,

UNPUBLISHED
February 24, 1998

Plaintiffs-Appellants,

v

No. 193044
Oakland Circuit Court
LC No. 94-482570-NO

CUISINART CORPORATION,

Defendant-Cross Plaintiff-Appellee,

and

CARGO EXPRESS, INC.,

Defendant-Appellee,

and

KUNIMORI KAGAKU COMPANY, LTD.,

Defendant-Cross Defendant-Appellee,

and

SANYEI AMERICAN CORPORATION,

Defendant.

Before: McDonald, P.J., and Saad and Smolenski, JJ.

MEMORANDUM.

Plaintiff appeals the orders entered by the trial court granting summary disposition in favor of defendants pursuant to MCR 2.116(C)(8) and (10). We affirm

While removing the blade of a food processor from its packaging materials, plaintiff suffered an injury to her left hand. Plaintiff asserts the trial court's grant of summary disposition was improper because there was a question of fact whether a warning was included in the packaging materials and whether the warning was adequate to inform of the possible danger of unpacking. We disagree.

Plaintiff concedes defendants had no duty to warn her of the dangers of unpacking the sharp blade, but argues they voluntarily assumed a duty because they included unpacking instructions with the food processing units. We acknowledge that when a person voluntarily assumes the performance of a duty, they are required to perform it with reasonable care, not omitting to do what an ordinarily prudent person would do in accomplishing the task. *Sponkowski v Ingham Co Road Commission*, 152 Mich App 123, 127; 393 NW2d 579 (1986). However, in this case, plaintiff failed to establish that defendants voluntarily assumed a duty because she admitted there were no unpacking instructions inside the box she was unpacking when she was injured. Accordingly, her argument is without merit and the trial court's grant of summary disposition was proper.

Affirmed.

/s/ Gary R. McDonald
/s/ Henry William Saad
/s/ Michael R. Smolenski