

STATE OF MICHIGAN  
COURT OF APPEALS

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MARIE DUFFY and JAMES DUFFY,

Plaintiffs-Appellants,

v

ALPENA GENERAL HOSPITAL,

Defendant-Appellee.

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UNPUBLISHED

September 18, 1998

No. 204226

Alpena Circuit Court

LC No. 96-001831 NO

Before: Hood, P.J., and Griffin and O'Connell, JJ.

MEMORANDUM.

Plaintiffs appeal by right the opinion and order of the circuit court granting summary disposition of their slip and fall claim. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff Marie Duffy injured her ankle when she stepped off the side of a handicap ramp while visiting a patient at Alpena General Hospital. Plaintiffs filed this negligence action, and the trial court granted defendant's motion for summary disposition pursuant to MCR 2.116(C)(10).

Appellate review of a motion for summary disposition is de novo. *Singerman v Municipal Service Bureau, Inc*, 455 Mich 135, 139; 565 NW2d 383 (1997). A motion brought under MCR 2.1116(C)(10) tests the factual support for a claim. The test is set forth in *Quinto v Cross & Peters Co*, 451 Mich 358, 362-363; 547 NW2d 314 (1996):

In presenting a motion for summary disposition, the moving party has the initial burden of supporting its position by affidavits, depositions, admissions, or other documentary evidence. *Neubacher v Globe Furniture Rentals*, 205 Mich App 418; 522 NW2d 335 (1994). The burden then shifts to the opposing party to establish that a genuine issue of disputed fact exists. *id.* Where the burden of proof at trial on a dispositive issue rests on a nonmoving party, the nonmoving party may not rely on mere allegations or denials in pleadings, but must go beyond the pleadings to set forth specific facts showing that a genuine issue of material fact exists. *McCart v J Walter Thompson* 437 Mich 109, 115; 469 NW2d 284 (1991). If the opposing party fails to

present documentary evidence establishing the existence of a material fact dispute, the motion is properly granted. *McCormick v Auto Club Ins Ass'n*, 202 Mich App 233, 237; 507 NW2d 741 (1993).

Because steps are the type of everyday occurrence that people encounter, the risk of harm they present is presumptively reasonable. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 616-617; 537 NW2d 195 (1995). The possessor of land has no duty to make steps foolproof. *Id.* If there is something unusual about the character, location, or surrounding conditions of the steps, the owner of the premises has a duty to exercise reasonable care for the invitee. *Id.* To avoid summary disposition, plaintiffs were required to offer evidence that could establish that the character, location, or surrounding conditions of the area were out of the ordinary. *Spagnuolo v Rudds #2, Inc*, 221 Mich App 358, 361; 561 NW2d 500 (1997).

Review of the evidence presented shows nothing unusual about the ramp that would trigger a duty of reasonable care. Where plaintiffs failed to present evidence which would raise a genuine issue of material fact, the trial court properly granted summary disposition. *Id.*

Affirmed.

/s/ Harold Hood

/s/ Richard Allen Griffin

/s/ Peter D. O'Connell