

STATE OF MICHIGAN
COURT OF APPEALS

KATHY LEVERN GRIMES,

Plaintiff-Appellant,

v

NATIONAL AMUSEMENTS, INC., d/b/a
BEACON EAST CINEMAS,

Defendant-Appellee.

UNPUBLISHED

February 19, 1999

No. 204116

Wayne Circuit Court

LC No. 96-610160 NO

Before: Gribbs, P.J., and Saad and P.H. Chamberlain,* JJ.

MEMORANDUM.

Plaintiff Kathy Levern Grimes appeals of right from the circuit court order granting the motion for summary disposition filed by defendant National Amusements, Inc., d/b/a Beacon East Cinemas. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff and Wanda Morris went to defendant's theater. The seat plaintiff selected appeared to be functional; however, as she sat down the seat collapsed. An inspection revealed that the C-springs which supported the chair had broken.

Plaintiff filed suit alleging negligence. Defendant moved for summary disposition pursuant to MCR 2.116(C)(10), asserting that plaintiff had not established that an issue of fact existed as to whether it had notice of the defect. The trial court granted defendant's motion based on lack of notice.

This Court reviews a trial court's decision on a motion for summary disposition de novo. *Baker v Arbor Drugs, Inc.*, 215 Mich App 198, 202; 544 NW2d 727 (1996).

We affirm the decision of the trial court. Plaintiff's reliance on the doctrines of res ipsa loquitur, bailment, etc., is misplaced. A possessor of premises has the duty to protect invitees from unreasonable risks of injury that were known or should have been known to the possessor in

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

the exercise of reasonable care. *Lawrenchuk v Riverside Arena, Inc*, 214 Mich App 431, 432-433; 542 NW2d 612 (1995). The mere occurrence of a fall is not sufficient to raise an inference of negligence. *Stefan v White*, 76 Mich App 654, 661; 257 NW2d 206 (1977). In her deposition, plaintiff stated that the chair she selected did not appear to be defective. The record did not reflect that any defect had been reported to the theater throughout the day. Furthermore, the evidence showed that the seats were regularly inspected by an outside contractor. Plaintiff did not demonstrate that a genuine issue of material fact existed as to whether defendant knew or should have known of the condition of the chair.

Affirmed.

/s/ Roman S. Gribbs

/s/ Henry William Saad

/s/ Paul H. Chamberlain