

STATE OF MICHIGAN
COURT OF APPEALS

LIZABETH BROOKS,

Plaintiff-Appellant,

v

MEIJER, INC.,

Defendant-Appellee.

UNPUBLISHED

April 21, 2000

No. 210412

Macomb Circuit Court

LC No. 97-002750-NO

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington*, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion for summary disposition under MCR 2.116(C)(10) in this trip and fall case. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff tripped on a three-quarter inch rise between the parking lot and sidewalk at defendant's store in Roseville. Plaintiff asserted that defendant failed to maintain its property in a reasonably safe condition or warn of the hazard. In granting summary disposition to defendant, the court noted that the change in elevation was open and obvious, and that a reasonably prudent person would have noticed it.

On appeal, plaintiff concedes that the condition was open and obvious, and there was no duty to warn. *Riddle v McLouth Steel Products Corp*, 440 Mich 85; 485 NW2d 676 (1992). However, where a possessor of land should anticipate that an invitee will suffer physical harm from an obvious danger, it is not relieved of its duty to exercise reasonable care towards its invitee. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 611; 537 NW2d 185 (1995). To find that the duty applies, there must be unusual characteristics that make the condition unreasonably dangerous. *Id*.

Plaintiff failed to show that there was anything unusual about the condition that would

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

render it unreasonably dangerous. In the absence of such a showing, the trial court properly granted summary disposition to defendant. *Id.*, 621.

Affirmed.

/s/ Roman S. Gibbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington