

STATE OF MICHIGAN
COURT OF APPEALS

PARIS WALKER,

Plaintiff-Appellant,

v

VALERIA GLEN and GERALD GOODWIN,

Defendants-Appellees,

and

JOHN GLEN,

Defendant.

UNPUBLISHED

June 13, 2000

No. 213728

Wayne Circuit Court

LC No. 97-732009-NI

Before: Hoekstra, P.J., and Holbrook, Jr. and Zahra, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendants' motion for summary disposition under MCR 2.116(C)(8) and (10). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action alleging that defendants Valeria Glen and Gerald Goodwin failed to protect her from the criminal acts of defendant John Glen that took place in their home after plaintiff came to collect money from a sale of crystal. The trial court granted defendants' motion for summary disposition, finding that defendants did not owe plaintiff a duty.

Questions regarding duty are for the court to decide as a matter of law. *Scott v Harper Recreation, Inc*, 444 Mich 441, 448; 506 NW2d 857 (1993). As a general rule, there is no duty that obligates one person to aid or protect another. *Mason v Royal Dequindre, Inc*, 455 Mich 391, 397; 566 NW2d 199 (1997). An exception to this general rule arises in an invitor/invitee setting when there exists a special relationship between the parties. *Id.* In order for a special relationship duty to be imposed on a merchant, the invitee must be "readily identifiable as [being] foreseeably endangered." *Id.* at 398; *Murdock v Higgins*, 454 Mich 46, 58; 559 NW2d 639 (1997). "'Readily' is defined as

‘promptly; quickly’ easily.’” *Mason, supra* at 398, quoting *The Random House College Dictionary* (rev ed). Mere foreseeability that otherwise random criminal activity may occur is not enough to create a duty to protect an invitee. No Michigan court has imposed a special relationship duty on a licensor. Plaintiff argues that there is a question of fact regarding his status as an invitee. We disagree.

Where there is no factual dispute concerning the purpose for a plaintiff’s visit, the plaintiff’s status as an invitee or a licensee is a question of law to be reviewed de novo. *Stitt v Holland Abundant Life Fellowship*, 229 Mich App 504, 505; 582 NW2d 849 (1998). “Essentially, invitee status requires . . . benefit for the occupant . . . The entrant must be on the premises for a purpose directly or indirectly related to the owner’s or occupant’s business.” *Id.* at 508, quoting *Kreski v Modern Wholesale Electric Supply Co*, 429 Mich 347, 359; 415 NW2d 178 (1987).

Plaintiff’s deposition established that she was employed as a sales consultant, and that defendant Valeria Glen was not in an employment relationship with her. Valeria Glen obtained orders for plaintiff, and did not receive compensation. Plaintiff has not alleged any basis on which the court could conclude that she was on defendants’ premises for their business benefit. The trial court properly found that plaintiff was a licensee and defendants owed no duty to protect her from the criminal acts of a third party.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Donald E. Holbrook, Jr.
/s/ Brian K. Zahra