STATE OF MICHIGAN

COURT OF APPEALS

ALBERT STEVENSON,

Plaintiff-Appellant,

v

W.G. WADE SHOWS, INC., STATE OF MICHIGAN, DEPARTMENT OF AGRICULTURE, and MICHIGAN STATE FAIR EXPOSITION CENTER,

Defendants-Appellees.

UNPUBLISHED
July 26, 2002

No. 230999
Wayne Circuit Court
LC No. 00-001934-NO

Before: Talbot, P.J., and Cooper and D. P. Ryan*, JJ.

MEMORANDUM.

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

While attending the Michigan State Fair, plaintiff tripped on exposed cables and injured himself. He brought this action alleging that defendants failed to keep the fairground sidewalks in safe condition. The trial court granted defendants' motion for summary disposition because the danger was open and obvious.

The duty a possessor of land owes to an invitee to exercise reasonable care to protect the invitee from an unreasonable risk of harm does not generally encompass removal of open and obvious dangers. *Lugo v Ameritech Corp, Inc,* 464 Mich 512, 516; 629 NW2d 384 (2001). If special aspects of a condition make an open and obvious risk unreasonably dangerous, the possessor has a duty to undertake reasonable precautions to protect invitees from that risk. *Id.* at 517. "[O]nly those special aspects that give rise to a uniquely high likelihood of harm or severity of harm if the risk is not avoided will serve to remove that condition from the open and obvious danger doctrine." *Id.* at 519. Typical open and obvious dangers, such as potholes in a parking lot, fail to give rise to these special aspects. *Id.* at 520.

In *Bertrand v Alan Ford, Inc*, 449 Mich 606, 624; 537 NW2d 185 (1995), the Court found that an open and obvious condition could be unreasonably dangerous even when the

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

invitee was aware of the danger. The Court concluded that the construction of a step, in combination with the placement of vending machines, the cashier's window, and the hinging of the door, gave rise to a question of fact regarding whether an unreasonable risk of harm existed.

Plaintiff was aware of the presence of cables on the sidewalks of the fairgrounds, and testified that they were obvious. Plaintiff made no showing of any special aspects that would give rise to a uniquely high likelihood of harm. *Lugo, supra* at 519. The cables are akin to a typical open and obvious danger, such as a pothole.

Although the court granted the motion prior to the completion of discovery, summary disposition was appropriate because there was no showing that further discovery would stand a fair chance of producing factual support for plaintiff's claim. *Kelly-Nevils v Detroit Receiving Hospital*, 207 Mich App 410, 421; 526 NW2d 15 (1994).

Affirmed.

/s/ Michael J. Talbot
/s/ Jessica R. Cooper
/s/ Daniel P. Ryan