STATE OF MICHIGAN

COURT OF APPEALS

EULONDA G. TAYLOR and ELWYON S. TAYLOR, Plaintiffs-Appellants, V CORK & BOTTLE PARTY STORE, GEORGE JAPPAYA and RADD JAPPAYA, Defendants-Appellees.	UNPUBLISHED August 20, 2002 No. 233077 Wayne Circuit Court LC No. 00-002102-NO

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Plaintiffs appeal as of right from a circuit court order granting defendants' motion for summary disposition in this premises liability action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court's ruling on a motion for summary disposition is reviewed de novo. *Kefgen v Davidson,* 241 Mich App 611, 616; 617 NW2d 351 (2000). A motion brought under MCR 2.116(C)(10) tests the factual support for a claim. In ruling on a motion brought under this subrule, the trial court considers the documentary evidence in the light most favorable to the party opposing the motion. *Maiden v Rozwood*, 461 Mich 109, 120; 597 NW2d 817 (1999). If the evidence fails to establish a genuine issue regarding any material fact, the moving party is entitled to judgment as a matter of law. *Id.*

Plaintiff Eulonda Taylor was an invitee in that she was on defendants' premises which were held open for a commercial purpose. *Stitt v Holland Abundant Life Fellowship,* 462 Mich 591, 604; 614 NW2d 88 (2000). Generally, the owner or possessor of land owes a duty to its invitees to exercise reasonable care to protect them from risk of harm caused by a dangerous condition on the land. *Lugo v Ameritech Corp,* 464 Mich 512, 516; 629 NW2d 384 (2001). However, this duty does not generally encompass removal of open and obvious dangers. *Id.* Instead, the landowner is only required to protect an invitee from open and obvious dangers when "special aspects" of the condition make it unreasonably dangerous. *Id.* at 517. Moreover, "only 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.

It does not appear that the eroded edge of the sidewalk created an unreasonable risk of harm. There is some minor risk associated with steps and differing floor levels, a condition so common that people are expected to take care for their own safety. *Bertrand v Alan Ford, Inc.*, 449 Mich 606, 614-617; 537 NW2d 185 (1995). The fact that the edge was eroded rather than crisp did not in itself increase that risk. Further, the edge of the sidewalk was open and obvious, regardless of the fact that it may not have been painted. *Id*. at 618-621. Moreover, there were no special aspects of the condition which would serve to impose liability because the risk of falling to the ground from a height of a few inches does not present an especially high likelihood of severe harm. *Lugo, supra* at 519-520.

Affirmed.

/s/ Helene N. White
/s/ Janet T. Neff
/s/ Kathleen Jansen