

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

FLORENCE BAKER,

Plaintiff-Appellant,

v

TENDERCARE (MICHIGAN), INC., d/b/a  
WAYNE TOTAL LIVING CENTER,

Defendant-Appellee.

---

UNPUBLISHED

April 15, 2008

No. 275499

Wayne Circuit Court

LC No. 05-525740-NO

Before: White, P.J., and Hoekstra and Schuette, JJ.

WHITE, P.J. (*dissenting*).

I respectfully dissent. Because I conclude that plaintiff established a genuine issue of material fact whether she fell due to a seemingly harmless crack that crumbled under her foot into a gap or hole that was large enough to catch her foot, and that the danger that the pavement around the crack might crumble away under her step was not open and obvious as a matter of law, I would reverse the grant of summary disposition to defendant and remand for further proceedings.

/s/ Helene N. White