

STATE OF MICHIGAN
COURT OF APPEALS

TERESA SHEPHERD and EARL SHEPHERD,

Plaintiffs-Appellants,

v

MEIJER, INC.,

Defendant-Appellee.

UNPUBLISHED

June 6, 1997

No. 192142

Calhoun Circuit Court

LC No. 95-910 NO

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Plaintiff slipped and fell in a puddle of water on the floor of defendant's customer restroom as she emerged from one of the bathroom stalls and began walking toward the sink area to wash her hands. This negligence action was dismissed on defendant's motion for summary disposition based on the open and obvious danger principle. Plaintiff appeals by right. This case is being decided without oral argument pursuant to MCR 7.214(E).

On these facts, reasonable minds could not differ over whether, granting the openness and obviousness of the dangerous condition, an unreasonable risk of harm to invitees was presented. The risk to a normally observant person proceeding with due care for her own safety was too minimal to be characterized as "unreasonable" and therefore as actionable. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 614; 537 NW2d 185 (1995).

Affirmed.

/s/ Maura D. Corrigan

/s/ Robert P. Young, Jr.

/s/ Michael J. Talbot

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