

STATE OF MICHIGAN
COURT OF APPEALS

JOHN VITALE and JERRY VITALE,

Plaintiffs-Appellants,

v

DEBORAH'S STAGE DOOR, INC, ad/b/a
DEBORAH'S STAGE DOOR DANCE CENTER,
and DEBORAH'S STAGE DOOR DANCE AND
GYMNASTICS CENTER,

Defendant-Appellee.

UNPUBLISHED
October 10, 1997

No. 192163
Oakland Circuit Court
LC No. 95-502255 NO

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

Plaintiffs appeal as of right from the summary dismissal of their negligence action. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

On the instant record, a duty of reasonable care and supervision does not include the duty to warn a sixteen-year-old male with at least six years of dance training not to attempt an aerial gymnastics maneuver over a hard surface without proper equipment and safety precautions in place where the risks inherent in the maneuver were open and obvious, where the teenager was of sufficient age and with sufficient experience to appreciate the risks involved, and where circumstances surrounding the maneuver's attempt indicate that it was the teenager's own responsibility to protect himself from the risks associated with the maneuver. *Mallard v Hoffinger Industries, Inc*, 210 Mich App 282; 533 NW2d 1 (1995); *Dykema v Gus Macker Enterprises, Inc*, 196 Mich App 6; 492 NW2d 472 (1992).

Affirmed.

/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh
/s/ Henry W. Saad