

STATE OF MICHIGAN
COURT OF APPEALS

JUDY E. DIXON,

UNPUBLISHED
December 19, 1997

Plaintiff-Appellant,

v

No. 200458
St. Clair Circuit Court
LC No. 95-001467

YALE DISCOUNT, INC. and JOANNE
SHELDON,

Defendants-Appellees.

Before: Hood, P.J., and McDonald and White, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order denying reconsideration of a decision to grant defendants' motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

We review a trial court's grant or denial of summary disposition de novo. *Pinckney Community Schools v Continental Casualty Co*, 213 Mich App 521, 525; 540 NW2d 748 (1995), lv den 453 Mich 881; 554 NW2d 10 (1997). A reviewing court must apply the same standard as the trial court and, viewing the evidence in the light most favorable to the nonmoving party, determine if a record could be developed that would leave open an issue upon which reasonable minds might differ. *Id.* The reviewing court's task is to review the record evidence and all reasonable inferences therefrom and decide whether genuine issues of material fact exist to warrant a trial, giving the nonmoving party the benefit of reasonable doubt. *Skinner v Square D Co*, 445 Mich 153; 516 NW2d 475 (1994).

We conclude, based on plaintiff's testimony and the photographs, that notwithstanding plaintiff's expert's affidavit, there was no genuine issue of material fact regarding whether the entryway was unreasonably dangerous. As a matter of law, the entryway did not present an unreasonable risk of harm.

Affirmed.

/s/ Harold Hood

/s/ Gary R. McDonald

/s/ Helene N. White