

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

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ODIS LUGO,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 194352

AMERITECH CORPORATION, INC,

Macomb Circuit Court

LC No. 95-003108 NO

Defendant-Appellee.

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Before: Saad, P.J., and Wahls and Gage, JJ.

SAAD, J (dissenting):

I respectfully dissent. If the “open and obvious” rule (which requires people to be careful about clearly potentially dangerous conditions such as steps, curbs, and holes), can be so easily circumscribed by the excuse that plaintiff did not watch where she was walking, then the open and obvious rule has been thereby overruled sub silentio.

/s/ Henry William Saad