STATE OF MICHIGAN

COURT OF APPEALS

EDNAN FORGE,

Plaintiff-Appellant,

v

JEHAD FARAJ and LORRAINE FARAJ,

Defendants-Appellees.

UNPUBLISHED
May 2, 2000

No. 208581
Wayne Circuit Court
LC No. 97-706233-NI

Before: Wilder, P.J., and Sawyer and Markey, JJ.

MEMORANDUM.

Plaintiff appeals by right from the trial court's order granting defendants' motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff entered onto defendants' property to repair a window in defendants' garage. As plaintiff was attempting to dislodge the window frame, it came loose unexpectedly and struck him in the left eye, causing serious and permanent damage. Plaintiff filed suit, alleging that defendants were negligent in failing to tell him that previous repair attempts had failed, and in failing to maintain their property in a reasonably safe condition. Defendants moved for summary disposition pursuant to MCR 2.116(C)(8) and (10), arguing that they breached no duty owed to an invitee. The trial court granted the motion pursuant to MCR 2.116(C)(10).

Plaintiff argues that the trial court erred by granting defendants' motion for summary disposition. We review a trial court's decision on a motion for summary disposition de novo. *Harrison v Olde Financial Corp*, 225 Mich App 601, 605; 572 NW2d 679 (1997). Assuming *arguendo* that plaintiff was an invitee, *White v Badalamenti*, 200 Mich App 434, 436; 505 NW2d 8 (1993), we disagree that the trial court erred in granting summary disposition. A possessor of land has a duty to take reasonable care to protect an invitee against known or discoverable dangers, and to warn of an open and obvious danger if the possessor expects that the invitee will not discover the danger or will not protect himself from it. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 611, 613; 537 NW2d 185 (1995). Even if a possessor of land has no duty to warn of an open and obvious danger, the possessor is not relieved of the duty to protect an invitee against unreasonable danger. *Hottman v Hottman*, 226

Mich App 171, 175-176; 572 NW2d 259 (1997). However, a possessor of land is not required to make his entire premises foolproof. *Bertrand*, *supra* at 616-617. In the instant case, the task that plaintiff undertook to perform involved removing a window frame that still held broken glass. A reasonably prudent person would expect that sharp edges would be present. The risk to plaintiff was open and obvious, and was not unreasonable. No breach of duty occurred. *Id*.

We affirm.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Jane E. Markey