STATE OF MICHIGAN

COURT OF APPEALS

LISA J. MCKNEE,

Plaintiff-Appellant,

v

TIMOTHY J. TECHLIN,

Defendant-Appellee.

UNPUBLISHED
December 19, 2006

No. 272124
Oakland Circuit Court
LC No. 2005-066571-NO

Before: Meter, P.J., and O'Connell and Davis, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's order granting defendant summary disposition under MCR 2.116(C)(10) in this premises liability case. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, a social guest at defendant's home, was injured when she fell down the stairs leading to the basement. Plaintiff had previously negotiated the stairs successfully when she joined other guests downstairs for a cocktail. She ascended the stairs for dinner, during which she had a glass of wine. She fell as she was rejoining guests in the basement. The evidence suggests that there was low head clearance, the lighting was dim, and one side of the stairway was open. Although the staircase ran along a solid wall, there were no handrails or guardrails, and the length and height of the treads and risers were not uniform. As a licensee, defendant owed plaintiff a duty to warn "of any hidden dangers" he knew or had "reason to know of," if plaintiff did not know or have reason to know of the danger. Defendant owed "no duty of inspection or affirmative care to make the premises safe for the licensee's visit." *Stitt v Holland Abundant Life Fellowship*, 462 Mich 591, 596; 614 NW2d 88 (2000).

Plaintiff first argues that the trial court erred in finding no genuine issue of material fact regarding whether there was a hidden danger. We disagree. The lighting, lack of handrails and guardrails, open stairway, and low headroom were not hidden dangers because they could be readily observed. Plaintiff admitted that the lighting was adequate to see where she was going, and she had successfully navigated the stairway on at least two other occasions, including a previous visit to defendant's home. Plaintiff had used the abutting wall for support without incident. Therefore, plaintiff had "reason to know of" any danger posed by the staircase, and it would be absurd to hold defendant liable for his failure to *warn* plaintiff about the plain characteristics of a staircase that she had already traversed more than twice. Furthermore, although plaintiff points to the lack of uniformity in the treads, she admitted that she did not

know what, if anything, about the staircase caused her to fall. Under the circumstances, the treads were a readily apparent hazard, and any finding that they were the cause of plaintiff's fall would be improper conjecture. *Skinner v Square D Co*, 445 Mich 153, 164; 516 NW2d 475 (1994).

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O'Connell
/s/ Alton T. Davis