

STATE OF MICHIGAN
COURT OF APPEALS

SHARON J. BROWN,

Plaintiff-Appellant,

v

MARIO'S MEATS, INC.,

Defendant-Appellee.

UNPUBLISHED

June 29, 2006

No. 267757

Macomb Circuit Court

LC No. 05-002728-NO

Before: Davis, P.J., and Sawyer and Schuette, JJ.

MEMORANDUM.

Plaintiff appeals by right from an order granting summary disposition for defendant pursuant to MCR 2.116(C)(10). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff's complaint alleged negligence and nuisance. She claimed to have fallen on an entrance ramp in front of the entrance to defendant's store. In plaintiff's deposition, she testified repeatedly that she did not know what had caused her to fall. Moreover, plaintiff said that she did not trip over anything on the ramp. Instead, she claimed that a grocery cart that she was pushing wobbled and caused her to lose control of it, which, in turn, caused her to lose her balance and fall.

We review the grant of summary disposition de novo. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). In that review, we give the nonmoving party, in this case plaintiff, the benefit of every reasonable doubt. *Id.* at 120.

We agree with the trial court that, by the objective standard announced in *Bertrand v Alan Ford, Inc.*, 449 Mich 606, 609; 537 NW2d 185 (1995), even though defendant owed plaintiff a duty to exercise reasonable care to protect plaintiff from a dangerous condition on defendant's premises, the ramp was an open and obvious hazard that an ordinarily prudent person would see and avoid. *Lugo v Ameritech Corp.*, 464 Mich 512, 517, 520; 629 NW2d 384 (2001). Where plaintiff offered no evidence to show a special aspect or unusual circumstance that would negate the open and obvious rule, summary disposition was proper.

Affirmed.

/s/ Alton T. Davis

/s/ David H. Sawyer

/s/ Bill Schuette