

STATE OF MICHIGAN

COURT OF APPEALS

CATHERINE J. RICHMOND,

Plaintiff-Appellant,

v

SIGNATURE ASSOCIATES, a Michigan
corporation, FIRST OF AMERICA, a
Michigan corporation, and GARDEN
MILIEU, INCORPORATED,

Defendants/
Third-party Plaintiffs-Appellees,

UNPUBLISHED
December 17, 1996

No. 188889
Oakland County
LC No. 94-487356-NO

Before: Griffin, P.J., and T.G. Kavanagh* and D.B. Leiber**, JJ.

MEMORANDUM.

In this “trip and fall case,” plaintiffs appeal as of right the trial court’s order granting summary disposition for defendants pursuant to MCR 2.116(C)(10) on the basis that the alleged defect was “open and obvious.” We affirm.

Having reviewed the record, we agree with the circuit court’s well-reasoned opinion that the alleged defect was “open and obvious.” See *Novotney v Burger King Corp (On Remand)*, 198 Mich App 470, 475; 499 NW2d 379 (1993). The photographs submitted by plaintiff in opposition to the motion for summary disposition sufficiently establish that reasonable minds could not differ in concluding that, upon casual inspection, an average user of ordinary intelligence would have discovered the danger posed by the landscape edging. *Id*; see also *Bertrand v Alan Ford, Inc*, 449 Mich 606, 610-612, 616-617; 537 NW2d 185 (1995). Accordingly, we affirm the decision of the circuit court for the reasons stated in its opinion.

Affirmed.

* Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

** Circuit judge, sitting on the Court of Appeals by assignment.

/s/ Richard Allen Griffin
/s/ Thomas Giles Kavanagh
/s/ Dennis B. Leiber