

STATE OF MICHIGAN
COURT OF APPEALS

JODI RADEMAKER,

Plaintiff- Appellant,

v

THE LAWSON COMPANY d/b/a DAIRY MART
CONVENIENCE STORE,

Defendant-Appellee.

UNPUBLISHED

January 6, 1998

No. 197229

Kent Circuit Court

LC No. 95-004217 NO

Before: Griffin, P.J., and Markman and Whitbeck, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant in this premises liability action. We decide this appeal without oral argument pursuant to MCR 7.214(E).

Plaintiff was injured when she approached defendant's store from a parking lot. Instead of using the accessible, sensible, and safe sidewalk route, which was somewhat circuitous, plaintiff opted for a shortcut which involved attempting to traverse a steep incline, covered with blacktop. Plaintiff fell, sustaining lacerations which severed tendons and nerves in her arm. Defendant had no obligation to warn plaintiff of the danger, which was open and obvious. Additionally, having provided an observable and safe means of access to its premises, defendant is not liable where plaintiff opted for a hazardous alternate route that is in no way suggested by the physical layout of the premises. Defendant is not obligated to "foolproof" its premises to avoid liability for such an accident. *Spagnuolo v Rudds #2, Inc*, 221 Mich App 358, 360-362; 561 NW2d 500 (1997).

Affirmed.

/s/ Richard Allen Griffin

/s/ Stephen J. Markman

/s/ William C. Whitbeck