

STATE OF MICHIGAN
COURT OF APPEALS

JERYNE DESBOUILLONS and EUGENE
DESBOUILLONS,

UNPUBLISHED
February 17, 1998

Plaintiffs-Appellants,

v

No. 198744
Wayne Circuit Court
LC No. 96-601227 NO

MEIJER, INC.,

Defendant-Appellee.

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

In this trip and fall case, plaintiff appeals by right summary disposition in favor of defendant. This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Having completed some Christmas shopping at defendant's store, plaintiff was approaching her van in the parking lot when she tripped over a concrete divider. Although it was early evening, no claim is made that the parking lot was not sufficiently illuminated for plaintiff to see the barrier. Viewing the facts in a light most favorable to plaintiff, summary disposition was appropriately granted, inasmuch as the only danger presented arose because of plaintiff's failure to exercise due care for her own safety to observe what was open and obvious. *Bertrand v Alan Ford, Inc.*, 449 Mich 606, 621; 537 NW2d 185 (1995).

Affirmed.

/s/ Michael J. Kelly
/s/ E. Thomas Fitzgerald
/s/ Michael G. Harrison

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