

STATE OF MICHIGAN
COURT OF APPEALS

DACIA MATUSZEWSKI,

Plaintiff-Appellant,

v

CENTRAL MICHIGAN INNS, INC., d/b/a
HOLIDAY INN,

Defendant-Appellee.

UNPUBLISHED

August 16, 2005

No. 253252

Isabella Circuit Court

LC No. 03-002255-NO

Before: Borrello, P.J. and Bandstra and Kelly, JJ.

BANDSTRA, J. (*concurring*).

I agree with the majority that, assuming that the planter was a “dangerous condition” on defendant’s property, the dangerous nature of the planter, not being affixed or otherwise prevented from tipping forward, was not open and obvious. I write separately only to note that, in my opinion, the decision today does not address whether the planter was a dangerous condition about which defendant had any duty to exercise reasonable care to protect plaintiff. That question was not directly addressed by the trial court ruling under review here.

/s/ Richard A. Bandstra