

STATE OF MICHIGAN  
COURT OF APPEALS

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JAMES FRAZIER,

Plaintiff-Appellant,

v

DETROIT MEDICAL CENTER, HARPER-  
HUTZEL HOSPITAL, and DETROIT  
RECEIVING HOSPITAL AND UNIVERSITY  
HEALTH CENTER,

Defendants-Appellees.

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UNPUBLISHED  
December 20, 2005

No. 255658  
Wayne Circuit Court  
LC No. 03-0311353-NO

Before: Owens, P.J., and Saad and Fort Hood, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the trial court's grant of summary disposition in favor of defendants.<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff is a paraplegic who is paralyzed from the chest down. According to plaintiff, he first broke his left leg, then his right leg, in separate incidents occurring approximately one month apart, when his wheelchair got caught on carpet runners and floor mats in two different buildings on the Detroit Medical Center campus. Plaintiff's feet slid off of his wheelchair's footrest when the carpet mats stopped his forward momentum, and were broken when his feet hit the floor. The trial court found that the carpet runners were open and obvious conditions of the premises, and that defendants had not breached a duty to warn of the danger or maintain their buildings.

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<sup>1</sup> The motion was brought pursuant to MCR 2.116(C)(8) and (10). The trial court did not specify which subrule it used to grant the motion, but this Court will affirm the correct result of the trial court, even if the trial court used the wrong reasoning to reach that result. *Liggett Restaurant Group, Inc v City of Pontiac*, 260 Mich App 127, 136-137; 676 NW2d 633 (2003). Furthermore, "an order granting summary disposition under the wrong subrule may be reviewed under the correct rule." *Stoudemire v Stoudemire*, 248 Mich App 325, 332 n 2; 639 NW2d 274 (2001).

On appeal, plaintiff asserts that the trial court only found that the floor mats presented an open and obvious *condition* of the property, and that summary disposition could only be granted if the trial court could find that the mats presented an open and obvious *danger* of the premises. “However, in resolving an issue regarding the open and obvious doctrine, the question is whether the *condition of the premises* at issue was open and obvious and, if so, whether there were special aspects of the situation that nevertheless made it unreasonably dangerous.” *Lugo v Ameritech Corp, Inc*, 464 Mich 512, 523; 629 NW2d 384 (2001) [emphasis in original]. Plaintiff does not assert that there were any special aspects of the carpet runner that made it unreasonably dangerous. Therefore, based on the plain language of *Lugo, supra*, plaintiff’s assertion is without merit.

In contrast, defendants’ assert that carpet runners are everyday occurrences, and that the ones that tangled in the wheels of plaintiff’s wheelchair were only hazardous based upon plaintiff’s confinement to a wheelchair. The question of whether a danger is open and obvious is based upon an objective test of the condition being open and obvious to a reasonably prudent person, and the individual characteristics of an adult plaintiff may not be considered in the inquiry. *Bragan v Symanzik*, 263 Mich App 324, 332; 687 NW2d 881 (2004), citing *Mann v Shusteric Enterprises, Inc*, 470 Mich 320; 683 NW2d 573 (2004). This Court has also noted that “[t]aken to its logical conclusion, the cases that followed *Lugo* disallowed liability to individuals laden with bulky and heavy items, limited by physical disabilities, or burdened by crutches or canes.” *Bragan, supra* at 333. Furthermore, falling a short distance does not invoke a concern that the typical person would suffer severe injury. *Lugo, supra* at 520; *Corey v Davenport College of Business (On Remand)*, 251 Mich App 1, 7; 649 NW2d 392 (2002). Thus, the carpet runners that got caught in plaintiff’s wheelchair’s wheels were an open and obvious condition of the premises that did not have special aspects making them unreasonably dangerous, and summary disposition was properly granted to defendants.

Affirmed.

/s/ Donald S. Owens

/s/ Henry William Saad

/s/ Karen M. Fort Hood