

STATE OF MICHIGAN  
COURT OF APPEALS

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PAULETTE HELD,

Plaintiff-Appellee,

v

NORTH SHORE CONDOMINIUM  
ASSOCIATION,

Defendant-Appellant,

and

PURE GREEN LAWN AND TREE  
PROFESSIONALS, INC.,

Defendant.

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UNPUBLISHED

February 4, 2016

No. 321786

Ingham Circuit Court

LC No. 13-000241-NO

Before: METER, P.J., and BORRELLO and BECKERING, JJ.

METER, J. (*dissenting*).

I respectfully dissent.

As the old saying goes, “a picture is worth a thousand words.” I have reviewed the photographs of the area where plaintiff fell, and despite the opinions of plaintiff’s experts, I conclude that the plastic landscape edging was open and obvious. The photographs reveal a distinct color difference between the edging and the mulch. In addition, the incident took place during the day and there was no ice or snow. “[A]n average person with ordinary intelligence would have discovered [the edging] upon casual inspection.” *Hoffner v Lanctoe*, 492 Mich 450, 461; 821 NW2d 88 (2012). Plaintiff only bolstered this conclusion when she testified that “[i]f it was there, I must have seen it.”

I would reverse and remand for entry of judgment in favor of North Shore.

/s/ Patrick M. Meter