

STATE OF MICHIGAN
COURT OF APPEALS

PATRICK LENNON and PATRICIA LENNON,

Plaintiffs-Appellees,

v

MICHAEL JOSEPH BILKOVIC and KIM M.
BILKOVIC,

Defendants-Appellants.

UNPUBLISHED

February 6, 2007

No. 271243

Wayne Circuit Court

LC No. 05-530668-NO

Before: Borrello, P.J., and Jansen and Cooper, JJ.

COOPER, J. (*concurring*).

I agree with the majority's conclusion in this case, but write separately to address the current state of the open and obvious doctrine in the Michigan courts.

Although the majority's analysis carefully avoids the shocking contours of the open and obvious doctrine, it is nonetheless true that our Supreme Court has determined that even those who lack the sensory capacity to do so are charged with responsibility to sense and avoid potential dangers, relieving premises owners of any liability when injuries occur. *Sidorowicz v Chicken Shack, Inc*, 469 Mich 919; 673 NW2d 106 (2003). Consequently, because a blind man would be unable in our courts to claim he did not see the low-hanging ductwork at issue here, this plaintiff, however severely injured, should enjoy no more success with his premises liability claim.

/s/ Jessica R. Cooper