STATE OF MICHIGAN

COURT OF APPEALS

LORETA ODISHER and LEO ODISHER,

Plaintiffs-Appellants,

v

SNOW SNAKE MOUNTAIN, INC.,

Defendant-Appellee.

UNPUBLISHED
September 21, 2001

No. 223764
Clare Circuit Court
LC No. 97-900261-NI

Before: Cavanagh, P.J., and Markey and Cooper, JJ.

PER CURIAM.

Plaintiffs appeal by right the trial court's order granting summary disposition in favor of defendant pursuant to MCR 2.116(C)(10) in this premises liability case. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, plaintiffs contend that summary disposition was improperly granted because the reasonableness of defendant's conduct was a question for a jury to determine. We disagree.

As a general rule, a premises possessor is not required to protect an invitee from open and obvious dangers except where special aspects of a condition make even an open and obvious risk unreasonably dangerous, whereupon the premises possessor has a duty to undertake reasonable precautions to protect invitees from that risk. *Lugo v Ameritech Corp, Inc,* 464 Mich 512, 517; 629 NW2d 384 (2001). In the context of a motion for summary disposition, the "critical question is whether there is evidence that creates a genuine issue of material fact regarding whether there are truly 'special aspects' of the open and obvious condition that differentiate the risk from typical open and obvious risks so as to create an unreasonable risk of harm . . . ." *Id.* "[O]nly those special aspects that give rise to a uniquely high likelihood of harm or severity of harm if the risk is not avoided will serve to remove that condition from the open and obvious danger doctrine." *Id.* at 519.

Here, plaintiffs point to no truly "special aspect" of defendant's ninth hole fairway that significantly increased the likelihood or severity of harm to an invitee so as to remove it from the open and obvious doctrine. Indeed, as the trial court noted, there was "nothing unusual" about the condition of the area where plaintiff fell. Obviously, golf courses are exposed to the elements, including rain, that may naturally accumulate on a course's large expanses of grass, making it slippery. A reasonably prudent person would be aware of these conditions and would take appropriate care for his own safety. See *Bertrand v Alan Ford, Inc*, 449 Mich 606, 609; 537

NW2d 185 (1995). Defendant did not have a duty to warn plaintiffs of the open and obvious dangers of playing golf on rain-soaked grass. *Lugo, supra* at 517; *Riddle v McLouth Steel Products Corp*, 440 Mich 85, 92; 485 NW2d 676 (1992). Accordingly, defendant was properly granted summary disposition.

We affirm.

/s/ Mark J. Cavanagh
/s/ Jane E. Markey
/s/ Jessica R. Cooper