

## OHIO CASE SUMMARIES

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**Ohio case summaries will be provided on a continuing basis every Wednesday and Friday of each week (excluding holidays). Summaries include brief descriptions of cases decided in the past week by the Ohio Supreme Court and lower appellate courts on issues related to insurance law. To discontinue receiving this service, please call Travis Vieux at 937-224-3333 or email Travis at [tjvieux@green-law.com](mailto:tjvieux@green-law.com).**

Court of Appeals: Eighth District, Cuyahoga County

Case Name: Boros v. Sear, Roebuck & Co.  
(2007-Ohio-5720)

Decided: October 25, 2007 (Posted October 25, 2007)

Issue: Open and Obvious Doctrine

Summary of Opinion: The Eighth District affirm summary judgement for Sears based on the open and obvious doctrine where the plaintiff tripped on “safety bubbles” on a handicap ramp.

Plaintiff Belma Boros sustained injuries when she fell walking up the sidewalk handicap ramp to the Sear store. The ramp was constructed with “bubbles” or “truncated domes” for safety purposes, pursuant to the Americans with Disabilities Act. Belma caught her foot on one of the “bubbles,” which caused her to trip and fall.

Boros sued Sears alleging negligence. Sears filed a motion for summary judgement stating that the “bubbles” were open and obvious and that they owed no duty to Boros. The trial court granted summary judgement to Sears. Boros appealed to the Eighth District.

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First the court restated the “open and obvious” doctrine: A business owner ordinarily owes its business invitees a duty of ordinary care in maintaining the premises in a reasonably safe condition and has the duty to warn invitees of latent or hidden dangers. The “open and obvious” doctrine provides that the premises owner owes no duty regarding dangers that are open and obvious because such dangers serve as a warning themselves. The premises owner can reasonably expect that persons entering the premises will discover those dangers and take appropriate measures to protect themselves.

The facts of the case showed that the plaintiff was looking down at the ramp. She admitted that she had used the ramp on many prior occasions without difficulty. She admitted that she saw the “bubbles” plainly on the ramp. There was no evidence to suggest any defect in the installation, construction or maintenance of the ramp.

The Eighth District found that under these circumstances, the dangers presented by the “bubbles” were open and obvious and that Sears had no duty to warn the plaintiff of any danger.

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