

Family Member Falls: Court Says Nurse Not Negligent.

According to the Court of Appeals of Michigan, a family member fell while she was carrying her four year-old granddaughter to the bathroom in the child's hospital room.

The child/patient was connected to wires and tubes which hung from a rolling pole which a nurse pushed along as they went toward the bathroom. The grandmother allegedly tripped over the tubes and wires as she turned around and went to answer the phone.

The court dismissed the grandmother's lawsuit based on two standard defenses which premises owners typically raise in slip-and-fall cases.

First, the danger was open and obvious. Even if she really did not see the tubes, wires and poles, that would be irrelevant. Second, the hospital did not create an unreasonably dangerous condition by keeping the patient attached to her IV's, monitors, etc., while on the way to the bathroom. **Alkhas v. St. Joseph's Mercy Hosp.**, 2005 WL 1459130 (Mich. App., June 21, 2005).