

When One Door Closes Unexpectedly, Maybe It's an Unreasonable Risk of Harm

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On September 17, 2026, the Michigan Court of Appeals issued an unpublished opinion in the case of *Rusu v Trilogy Healthcare of Oakland, LLC*, in which the Court reversed the trial court's grant of summary disposition against the plaintiff where plaintiff was struck by an automatic door that closed before he could clear the doorway, causing him to fall and break his hip. *Rusu v Trilogy Healthcare of Oakland, LLC*, unpublished per curiam opinion of the Court of Appeals, issued September 17, 2026, (Docket No. 375420), 2026 WL 2797092. In this case, plaintiff, an elderly gentleman, was a resident at defendant's rehabilitation facility following a fall at home resulting in broken ribs. Slip op at 1. Plaintiff's daughter went to defendant's facility to bring plaintiff home and left plaintiff seated in a wheelchair at the exit while she moved her vehicle closer to the door. *Id.* The exit for defendant's facility uses two doors, both of which are equipped with low-energy-power-operated mechanisms, that can be opened either manually or by activating a push button mounted on the wall next to each door. *Id.* at 1-2. Activating the push button causes the door to open outward and remain open for a pre-set length of time—in this case, 20 seconds—after which it closes. *Id.* at 2. The first door opens into a vestibule and the second opens from the vestibule to the outside. *Id.* at 1. Here, however, that 20 seconds was not long enough for plaintiff to clear the second doorway and he was struck as the door closed and knocked to the ground, breaking his hip. *Id.* at 2. The plaintiff's daughter and defendant's staff had to use their bodies to keep the door from closing on plaintiff. *Id.*

Defendant's maintenance director testified that the doors were adjustable by five-second intervals with a maximum setting of 40 seconds. *Id.* That same maintenance director testified that he checked the doors to ensure they were working properly every morning, but that "length of hold-open time" was not checked. *Id.* After plaintiff's fall, defendant's maintenance director and executive director

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Premises liability actions after *Kandil-Elsayed* have changed the landscape in many ways, but the requirements for duty, breach, and notice remain, if in altered form. Here, defendant ran a business catering to the rehabilitation of those recovering from injuries and the elderly, who often required aids such as walkers or canes to walk and moved particularly slowly. Because the residents were on the premises for the business benefit of defendant, they were considered invitees. As invitees, defendant owed a duty to use reasonable care to look for risks, to preemptively address those risks to make them safe, and was considered to have constructive notice of any risks that could have been discovered with reasonable inspection. Simply relying on compliance with minimum code or minimum standards for a subset of the population was insufficient, especially considering that minimum code for one subset of the population does not by default meet the standard of reasonable care for a different subset.

To give defendant some credit, they did attempt to make the premises safe,—the doors operated according to ADA standards and were inspected routinely for problems—but defendant also had to balance the time that the doors were open against the risk of flight from confused residents. Nevertheless, the Court of Appeals decision here is fairly clear that had defendant been slightly more diligent in making the premises safe—for example, adding basic safety sensors to make sure a doorway was clear before the door closed—the standard of reasonable efforts and reasonable care may well have been met. However, lacking anything beyond the basic push-button automation, even with ADA-compliant timing, the Court had no option but to conclude that a genuine issue of material fact remained for a jury to determine.

discussed extending the setting determining the length of time the doors were held open and the risk of resident elopement with an extended opening period. *Id.* at 3. After that discussion, defendant increased the timing intervals to 25 seconds on several doors. *Id.* Plaintiff filed a premises liability action alleging the door malfunctioned and that defendant “failed to use reasonable care to protect him from the hazards of the door and failed to properly maintain the door.” *Id.* Defendant moved for and was granted summary disposition following the close of discovery on the grounds that the doors complied with ANSI/BHMA and ADA standards.

On appeal, plaintiff argued, and the Court of Appeals agreed, that the trial court erred by granting summary disposition to defendant because there were “genuine issues of material fact whether defendant failed to protect plaintiff from an unreasonable risk of harm and whether it had notice of the potential hazard.” *Id.* at 4. In analyzing the case, the Court of Appeals determined that it was “undisputed that plaintiff was an invitee” and “defendant owed plaintiff ‘a duty ‘to exercise reasonable care to protect [him] from an unreasonable risk of harm caused by a dangerous condition of the land.’” *Id.* at 4 (internal citations omitted). The Court found that, though there was “no evidence that the subject door was malfunctioning or failed to comply with any standards, an ‘invitor must inspect the premises to discover any possible dangerous conditions of which the invitor is not aware and take reasonable precautions to protect the invitees from dangers that are foreseeable from use.’” *Id.* at 6. Here, “Defendant’s facility catered to injured and elderly persons. As reflected in the surveillance video of the incident, an injured elderly person such as plaintiff moves slowly and, like plaintiff, may require ambulatory aids. It is foreseeable that residents of the facility may be struck by the power-operated doors if they do not move through the doorway fast enough.” *Id.* The Court of Appeals held that, “[c]onstruing the evidence in plaintiff’s favor, a question of fact exists concerning whether the absence of door sensors constituted a dangerous condition posing an unreasonable risk of harm to invites.” *Id.* Further, “Defendant owed plaintiff a duty to reasonably inspect the door to determine its safety and discern any hidden dangers.” *Id.* at 7. Consequently, the Court of Appeals concluded that “defendant owed plaintiff the duty of care afforded to an invitee, and that there are genuine issues of material fact as to whether defendant breached that duty.” *Id.* The case was reversed and remanded to the trial court for further proceedings.

However, though the decision to reverse and remand was unanimous, the reasoning of the Court of Appeals was not. In his dissent, Judge Ackerman concluded that the trial court erred in granting summary disposition because plaintiff admitted that his pleadings, which had alleged the door mechanism malfunction, failed and had moved to amend the pleading to state that the door closed without warning and the trial court ruled on the motion for summary disposition prior to considering whether the amendment was warranted. Specifically, Judge Ackerman pointed to MCR 2.116(I)(5), which requires the court to give the parties an opportunity to amend their pleadings under MCR 2.118, and determined that, because the motion for summary disposition was based on MCR 2.116(C)(10), the pleadings first needed to be resolved in light of the motion to amend before the (C)(10) motion could be addressed. In his view, “the majority opinion implicitly grant[ed] the motion to amend the complaint ..., an endeavor that should be undertaken not by a reviewing court on appeal but by the trial court on remand.” Slip op at 10. Accordingly, Judge Ackerman would also reverse and remand for the trial court to first resolve the motion to amend and then re-address the motion for summary disposition based on the amended pleadings without the Court of Appeals addressing the issue of whether plaintiff has established a genuine issue of material fact as to breach or notice.

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