Order

Michigan Supreme Court
Lansing, Michigan

July 2, 2026

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

SC: 169761
COA: 371007
Wayne CC: 23-015717-NO

NANCY DENTAMARO SEGUNA,
Plaintiff-Appellant,

v

CITY OF DETROIT,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the January 29, 2026 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

WELCH, J. (*dissenting*).

I would have peremptorily reversed the Court of Appeals and remanded to the trial court for further proceedings because I believe that plaintiff's notice of intent to file a claim stated the location and nature of the roadway defect with sufficient specificity. MCL 691.1404(1) does not require a street address or technical description of the location, and courts must not read in such extra requirements.

I. FACTUAL AND PROCEDURAL BACKGROUND

While visiting Eastern Market in Detroit, plaintiff Nancy Seguna tripped and was injured. Within 120 days of the accident, plaintiff sent defendant, the city of Detroit, a notice of intent to file a claim "resulting from personal injuries sustained in an injury incident that occurred at Alfred Street near Shed 5 of the Eastern Market in the City of Detroit, State of Michigan." It continued: "On June 6, 2022, at approximately 12:30 p.m., Nancy Seguna was walking across Alfred Street near Shed 5, when suddenly and without warning she was caused to fall due to uneven cement/roadway." The notice also identified three witnesses.

Upon receiving the notice, defendant requested color photographs of the exact location. Plaintiff replied a few months later with photographs of the road. However,

plaintiff also stated that "upon information and belief, repairs of the hazard were made between the time of Ms. Seguna's fall and the taking of photographs." The photographs were of two different locations on the road and did not show a defect.

Defendant moved for summary disposition under MCR 2.116(C)(7), (8), and (10), arguing that plaintiff failed to sufficiently describe the location and identify the nature of the defect and consequently failed to provide sufficient notice under MCL 691.1404(1). Plaintiff responded that her description of the location was not vague, given that locations in Eastern Market are known by shed numbers rather than street addresses, that Alfred Street is only 469.2 feet total—450 feet of which is across from Shed 5—and that it would take less than two minutes to walk the area she described. The trial court denied defendant's motion for summary disposition, concluding that "[t]here was sufficient information provided concerning the defect. The shed number was provided. The street Alred, A-1-r-e-d [sic], between Russell and Riopelle. This is in the Eastern Market District which are identified by sheds."

Defendant appealed. In a split, unpublished decision, the Court of Appeals reversed and remanded on the grounds that the trial court erred by denying defendant's motion for summary disposition under MCR 2.116(C)(7). *Seguna v Detroit*, unpublished per curiam opinion of the Court of Appeals, issued January 29, 2026 (Docket No. 371007). The majority held that the 469.2-foot range in plaintiff's notice was "insufficiently narrow to constitute 'the exact location' for the purposes of MCL 691.1404(1)." *Id*. at 6. The panel explained, "[T]he notice did not include any other details that would directly aid with identifying the location of the alleged defect, such as referencing a particular side of the road, cardinal direction, or other landmark such as a streetlight." *Id*. at 7. Additionally, the panel explained that the defect description was insufficient because it failed to specify whether the defect "was a pothole, an inclined part of the highway, a bump or gap, a divot, or any other non-parallel aspect of the highway that might fairly be considered 'uneven.' " *Id*. The court declined to consider the photographs because plaintiff provided them after the 120-day window in MCL 691.1404(1) had expired.

Judge MALDONADO dissented. In her view, plaintiff provided timely notice with sufficient description of the location and nature of the defect: the notice named a single street, identified a part of that street where a pedestrian would cross, and anchored the description to a fixed landmark—Shed 5. Judge MALDONADO emphasized that MCL 691.1404(1) does not require GPS coordinates or even a numerical street address; it only requires sufficient information to identify the area. Further, she argued that the phrase "uneven cement/roadway" clearly describes a defect. Unlike a generic descriptor such as "dangerous road," "uneven cement/roadway" reveals the nature of the danger. Further, it specifies that the defective section was made of cement (not asphalt or bricks) and on the roadway (not a sidewalk). Under this reading, Judge MALDONADO concluded, it is hard to imagine what else plaintiff could have said to be more specific.

II. LEGAL BACKGROUND

Under MCR 2.116(C)(7), summary disposition is appropriate when "immunity granted by law" shields the defendant. "Unlike a motion under subsection (C)(10), a movant under MCR 2.116(C)(7) is not required to file supportive material, and the opposing party need not reply with supportive material. The contents of the complaint are accepted as true unless contradicted by documentation submitted by the movant." *Maiden v Rozwood*, 461 Mich 109, 119 (1999). The standard of review on a motion for summary disposition is de novo. *Id*. at 118.

Generally, under the governmental tort liability act, MCL 691.1401 *et seq*., a governmental agency is immune from tort liability when discharging a governmental function. However, "the highway exception," MCL 691.1402, allows a party injured "by reason of failure . . . to keep a highway . . . in reasonable repair and in a condition reasonably safe and fit for travel" to sue the appropriate governmental agency. But to bring suit under this exception, the plaintiff must comply with the 120-day notice provision. This provision, MCL 691.1404(1), states:

> As a condition to any recovery for injuries sustained by reason of any defective highway, the injured person, within 120 days from the time the injury occurred, except as otherwise provided in subsection (3) shall serve a notice on the governmental agency of the occurrence of the injury and the defect. The notice shall specify the exact location and nature of the defect, the injury sustained and the names of the witnesses known at the time by the claimant.

When considering if the notice was sufficient, the court may not use information the governmental agency received outside of the notice period. *Thurman v Pontiac*, 295 Mich App 381, 386 (2012).

" 'The principal purposes to be served by requiring notice are simply (1) to provide the governmental agency with an opportunity to investigate the claim while it is still fresh and (2) to remedy the defect before other persons are injured.' " *Madbak v Farmington Hills*, 349 Mich App 561, 569-570 (2024), quoting *Plunkett v Dep't of Transp*, 286 Mich App 168, 176-177 (2009). " '[A] liberal construction of the notice requirements is favored to avoid penalizing an inexpert layman for some technical defect. . . . The requirement should not receive so strict a construction as to make it difficult for the average citizen to draw a good notice.' " *Id*.

III. ANALYSIS

In this case, a lay citizen used lay terms to describe where and how she was injured.

First, sheds, not addresses, are the common mode of identifying locations in Eastern Market. Though the area was 450 feet long, there was no easy way to more clearly designate a narrower range. So, just as one would tell a friend to "meet at Shed 5" in Eastern Market, plaintiff used this prominent landmark to anchor her description. Further, 450 feet is less than a tenth of a mile, which typically takes only two minutes to walk. Second, plaintiff described the nature of the defect as an uneven, cement roadway. As Judge MALDONADO elaborated, unlike a general "dangerous" descriptor, the term "uneven" "explains that the roadway was not level or smooth." *Seguna* (MALDONADO, J., dissenting), unpub op at 2. From plaintiff's description, a city investigator would know to look down the relevant 450 feet of Alfred Street across from Shed 5—especially in areas where pedestrians cross—for an uneven surface that could cause someone to trip.

More generally, I am concerned that the Court of Appeals erred when it imposed a stricter standard than the statute requires. It is almost always possible to parse further and require a more minute, technical description of a location or defect. But the point of the notice statute is not to gatekeep or reduce the number of claims. The point of the notice statute is to give the governmental agency a reasonable heads-up so that it can examine and repair the potentially dangerous roadway. *Madbak*, 349 Mich App at 569-570, quoting *Plunkett*, 286 Mich App at 176-177 (2009). Here, as explained above, plaintiff provided enough information that the city could reasonably investigate the claim. She should not be penalized for failing to provide GPS coordinates, cardinal directions, or engineering terms.

I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 2, 2026

Clerk

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