STATE OF MICHIGAN

COURT OF CLAIMS

PHILIP L. ELLISON and KATHERINE E. ELLISON,

Plaintiffs,

v Case No. 18-000011-MZ

DEPARTMENT OF HEALTH AND HUMAN SERVICES, Hon. Michael F. Gadola

Defendant.
_____ /

ORDER TO SHOW CAUSE

Plaintiffs filed this suit in January 2018, challenging the constitutionality of Michigan's newborn-screen program, MCL 333.5431, and asserting a related FOIA challenge. In April 2018, this Court granted defendant's motion to hold the case in abeyance pending resolution of a case filed by plaintiff Phillip L. Ellison, acting as counsel, that made substantially similar claims in a federal lawsuit for other plaintiffs. *Kanuszewski v Shah, et al* (US District Court Case No. 18-cv-10472). In June 2019 and again in January 2022, this Court denied plaintiffs' motion to lift the stay because *Kanuszewski* was pending. In September 2023, this Court denied plaintiffs' motion to lift the stay because the federal district court case was on appeal and, therefore, there was no final judgment in that case. There has been no further activity in this case.

This Court's own research reveals that the federal Court of Appeals issued an opinion on June 25, 2025, see *Kanuszewski v Mich Dep't of Health and Human Servs*, 141 F4th 796 (CA 6,

2025), and the United States Supreme Court denied the plaintiffs' petition for a writ of certiorari on March 23, 2026, see *Kanuszewski v Shah*, 146 S Ct 1826 (2026).

Plaintiffs are directed to show cause within 14 days of the date of this Order why this case should not be dismissed for inactivity.

IT IS SO ORDERED. This is not a final order and does not close the case.

Date: October 22, 2026

Hon. Michael F. Gadola
Chief Judge, Court of Claims