STATE OF MICHIGAN

COURT OF CLAIMS

AUDREY WEST and RANDY WEST,

Plaintiffs,

v

Case No. 18-000236-MZ

MICHIGAN DEPARTMENT OF NATURAL RESOURCES,

Hon. Randy J. Wallace

Defendant.
_____ /

OPINION AND ORDER

After a bench trial, the Court issued its Findings of Fact, Conclusions of Law, and Verdict on May 8, 2026. The Court found that Andrea Albert, an employee of defendant, the Michigan Department of Natural Resources (DNR), was primarily at fault for a 2018 snowmobile incident that resulted in plaintiffs' injuries but that plaintiffs' actions contributed to the incident. The Court found plaintiffs 33% responsible, and so comparatively negligent to that extent. The Court imposed a 33% reduction to each plaintiff's damages for their own comparative negligence.

As for Randy West, the Court awarded $18,032 as damages for medical treatment that he received at Munson Medical Center after the snowmobile incident on January 6, 2018. The Court awarded $250,000 for noneconomic damages for pain and suffering in 2018, and $25,000 annually for 25 years, resulting in an award of $250,000 for 2018 and an additional award of $625,000, for a total award of $875,000 in noneconomic damages for past and future pain and suffering. Adding $18,032 for medical care to the noneconomic damages of $875,000, the Court arrived at a total

award of $893,032 for Randy West. The Court reduced Randy West's total award by 33% to account for his comparative negligence, yielding an award of $595,354.67 to Randy West.

As for Audrey West, the Court awarded $44,219 as damages for medical treatment that she received from Munson Medical Center, Cherry Health, and Intentional Counseling. The Court awarded damages of $300,00 to cover future costs of medication and therapy annually for 50 years, reflecting annual damages of $6,000. The Court also awarded $24,000 for wage-loss benefits from 2023 through 2025 to reflect Audrey West's change from consistent to inconsistent work during that time period, and the like amount of $8,000 per year for the next 50 years of her life, for total wage-loss damages of $424,000. The Court awarded $200,000 for noneconomic damages for pain and suffering in 2018, and $30,000 annually for pain and suffering from 2019—when she was 19 years old—until she turns 75 in 2074 (55 years), resulting in an award of $200,000 for 2018 and an additional award of $1,650,000, for a total award of $1,850,000 in noneconomic damages for past and future pain and suffering. Adding $44,219 for past medical care, $300,000 for future costs of medication and therapy, and $424,000 for past and future wage loss to the noneconomic damages of $1,850,000, the Court arrived at a total award of $2,618, 219 for Audrey West. The Court reduced Audrey West's total award by 33% to account for her comparative negligence, yielding an award of $1,745,479.33 to Audrey West.

The Court invited plaintiffs to submit a proposed judgment under the seven-day rule, which they did on May 14, 2026.[1] As for Randy West, plaintiff's proposed judgment included statutory interest on the $595,354.67 damages award from November 7, 2018, to May 14, 2026, in the

[1] Plaintiffs submitted a proposed judgment on May 13, 2026, but with withdrew that order the same day. They submitted another proposed judgment on May 14, 2026.

amount of $91,228.27, for a total judgment amount of $686,582.294, excluding taxable costs and any applicable postjudgment interest. As for Audrey West, plaintiffs' proposed judgment included statutory interest on the $1,745,479.33 damages award from November 7, 2018, to May 14, 2026, in the amount of $98,504.79, for a total judgment of $1,843,984.12, excluding taxable costs and any applicable postjudgment interest.

On May 21, 2026, the DNR filed three written objections to plaintiffs' May 14, 2026 proposed judgment. In the first objection, the DNR argued that the judgment should reflect that the DNR was only 33% at fault and that its liability is limited to 33% of the total damages. In the second objection, the DNR argued that each plaintiff's future damages award must be reduced to the gross present value as provided in MCL 600.6306. In the third objection, the DNR argued that the judgment should state that each plaintiff's judgment will be first used to satisfy any outstanding liability under MCL 600.6096(5).

Plaintiffs responded to the DNR's objections on June 3, 2026. As to the first objection, plaintiffs argued that the DNR mistakenly read the verdict as though the Court found that plaintiffs were 66% at fault for the incident. As to the second objection, plaintiffs argued that the verdict provided damages in present value and that MCL 600.6306 does not require the court to reduce future noneconomic damages. As to the third objection, plaintiffs argued that the Court did not decide a setoff issue, find a qualifying liability under MCL 600.6906, set an amount owed, or order any withholding from either plaintiff's judgment, and so the judgment should not include setoff language.

The Court conducted a hearing on the DNR's objections. The Court will address the DNR's objections in turn.

I. OBJECTION 1

The DNR contends that the judgment should limit the DNR's liability to 33% of the total damages because the Court found Randy West to be 33% at fault and found Audrey West to be 33% at fault. It argues that the Court therefore found plaintiffs collectively 66% at fault for the incident.

In tort actions, "the court shall reduce the damages by the percentage of comparative fault of the person upon whose injury or death the damages are based[.]" MCL 600.2959. The Court did just that—it reduced Randy West's damages by 33% to account for his comparative negligence, and it reduced Audrey West's damages by 33% to account for her comparative negligence.

The DNR objects to plaintiffs' proposed judgment on the ground that it does not apply the entirety of the comparative-fault framework of MCL 600.6304. MCL 600.6304(1) requires the trial court in tort actions involving fault or more than one person to make findings indicating (a) the total amount of each plaintiff's damages, and (b) the percentage of the total fault of all persons that contributed to the death or injury, including each plaintiff. The Court found that Albert was the primary cause of the incident and that the DNR is liable to plaintiffs based upon Albert's negligence. The Court then explicitly found that each plaintiff was 33% at fault for his or her own injuries and that it was reducing each plaintiff's damages by 33% to account for each plaintiff's comparative fault. The Court separately explained that Randy West's damages were reduced because "his comparative negligence in taking Audrey West as a passenger on his snowmobile contributed to the snowmobile incident and his resulting injuries," and that Audrey West's damages were reduced because "her voluntary participation as a ride on the snowmobile contributed to the incident as a matter of comparative negligence." The Court determined the

total amount of each plaintiff's damages and reduced each plaintiff's damages by 33% to account for each plaintiff's comparative negligence. The Court finds no merit in the DNR's argument that plaintiffs were collectively 66% at fault for the incident and that the DNR can only be responsible for 33% of plaintiffs' damages. The Court therefore overrules the DNR's first objection.

II. OBJECTION 2

The DNR contends that plaintiffs' proposed judgment did not reduce future damages to "gross present cash value" in the manner set forth in MCL 600.6306. MCR 600.6306(1) provides that "[a]fter a verdict is rendered by a trier of fact in favor of a plaintiff in a personal injury action . . . an order of judgment shall be entered by the court." An order of judgment entered against each defendant must include the following judgment amounts:

> (a) All past economic damages, less collateral source payments as provided for in section 6303.
>
> (b) All past noneconomic damages.
>
> (c) All future economic damages, less medical and other health care costs and less collateral source payments determined to be collectible under section 6303(5), reduced to gross present cash value.
>
> (d) All future medical and other health care costs reduced to gross present cash value.
>
> (e) All future noneconomic damages reduced to gross present cash value.
>
> (f) All taxable and allowable costs, including interest as permitted by section 6013 or 6455 on the judgment amounts. [MCL 600.6306(1).]

The Legislature has defined "reduced to gross present cash value" to mean "the total amount of future damages reduced to present value at a rate of 5% per year, compounded annually, for each year in which those damages will accrue[.]" MCL 600.6306(2). Because both plaintiffs

will be younger than 60 years of age at the time of judgment, the Court must reduce each plaintiff's damages to present cash value.[2] The Court therefore sustains the DNR's second objection.

III. OBJECTION 3

The DNR objects to plaintiffs' proposed order for the reason that it "does not account for the Department of Treasury's statutory requirement to apply the judgment amounts of both Randy and Audrey West to any liability identified in MCL 600.6096(5)(a)–(b)[.]" The DNR contends that the judgment should clarify that the awards to Randy West and Audrey West are subject to the setoffs included in MCL 600.6096.[3]

MCL 600.6096 governs the application of judgments or claims against the State or its departments to satisfy outstanding liabilities of the plaintiff or claimant. The statute states, in relevant part:

> (1) Notwithstanding section 6458, on a judgment against this state or a department becoming final, or on allowance of a claim by the state administrative board, the director shall cause the judgment or claim to be paid from the unencumbered appropriation of the department if the director determines the unencumbered appropriation is sufficient for the payment.
>
> * * *
>
> (4) The department of treasury shall not issue a warrant in satisfaction of a judgment or claim until the department of treasury determines whether the plaintiff or claimant or, if applicable, the individual for whose benefit the action was brought or claim made has a liability described in subsection (5). If the department of treasury identifies a liability described in subsection (5), the department of treasury shall first apply the amount of the judgment or claim as provided in subsection (5), and the excess, if any, shall be paid to satisfy the judgment or claim.

[2] MCL 600.6311 creates an exception to the general rule that future damages awarded to a plaintiff be reduced to gross present value by stating, "Sections 6306(1)(c), (d), and (e) . . . do not apply to a plaintiff who is 60 years of age at the time of judgment."

[3] The DNR did not raise the issue of setoff at any point before it filed its written objections.

(5) The amount of a judgment or claim described in subsection (4) must be applied to the following in the following order of priority:

(a) Any known tax liability to this state.

(b) Any other known liability to this state.

(c) Any of the following in the order of priority received, unless otherwise provided by law:

(i) A support liability.

(ii) An order of restitution.

(iii) A writ of garnishment or other court order directed to this state or the state treasurer.

(iv) A levy of the Internal Revenue Service.

(v) A liability to repay benefits obtained under the Michigan employment security act[.]

MCL 600.6096(4) requires the Department of Treasury to determine whether the plaintiff or claimant or the individual for whose benefit the action was brought has a liability described in subsection (5) before issuing a warrant in satisfaction of a judgment. The text of MCL 600.6096 contains no language requiring that the judgment specifically state that it is subject to setoff. The statute operates on the judgment or claim after it is obtained. Because the setoff arises by operation of the statute rather than by express language in the judgment, the absence of such language in the judgment does not defeat the statutory mechanism. The Court therefore overrules the DNR's third objection.[4]

IV. CALCULATION OF DAMAGES

[4] This opinion and order does not affect the DNR's or the Treasury Department's ability to pursue any debts it alleges to be owed by Randy West.

The Court applies the following statutory principles in calculating damages for purposes of a final judgment.

Under MCL 600.6306, each plaintiff's future damages must be reduced to gross present cash value as defined in MCL 600.6306(2).

Under MCL 600.6455(2), each plaintiff is entitled to prejudgment interest on past damages.

A. RANDY WEST

1. The Court awarded Randy West $18,032 in past medical damages.

2. The Court awarded Randy West $250,000 in past noneconomic damages for pain and suffering damages for 2018.

3. The Court awarded Randy West $175,000 in past noneconomic damages for pain and suffering from 2019 through 2025, calculated at $25,000 per year for seven years.

4. Randy West's total past damages before a reduction for comparative fault are $443,032.

5. Reducing Randy West's total past damages by 33% for his comparative fault, his recoverable past damages are $296,831.44.[5]

6. Randy West is entitled to prejudgment interest on past damages from November 7, 2018 through May 15, 2026, in the amount of $91,733.55.

[5] Because this Court is required to reduce the damages by 33%, the results of any such calculations have been rounded to the nearest cent.

7. Randy West's recoverable past damages plus statutory prejudgment interest are $388,564.99.

8. The Court awarded Randy West $450,000 in future noneconomic damages from 2026 through 2043, calculated at $25,000 per year for 18 years.

9. Reduced to gross present cash value at a rate of 5% per year, compounded annually, Randy West's present-value future noneconomic damages are $292,239.67.

10. Reducing Randy West's present-value future noneconomic damages by 33%, his recoverable future noneconomic damages are $195,800.58

11. Randy West's total judgment amount, excluding taxable costs and any applicable statutory interest accruing after May 15, 2026, is $584,365.57

B. AUDREY WEST

1. The Court awarded Audrey West $44,219 in past medical damages.

2. The Court awarded Audrey West $24,000 in past wage-loss damages from 2023 through 2025.

3. The Court awarded Audrey West $200,000 in past noneconomic damages for pain and suffering in 2018.

4. The Court awarded Audrey West $210,000 in past noneconomic damages for pain and suffering from 2019 through 2025, calculated at $30,000 per year for seven years.

5. Audrey West's total past damages before a reduction for comparative fault are $478,219.

6. Reducing Audrey West's past damages by 33% for her comparative fault, her recoverable past damages are $320,406.73.

7. Audrey West is entitled to statutory prejudgment interest on her recoverable past damages from November 7, 2018, through May 15, 2026, in the amount of $99,019.32.

8. Audrey West's recoverable past damages plus statutory prejudgment interest are $419,516.05.

9. The Court awarded Audrey West $700,000 in future economic damages, consisting of $300,000 future medication and therapy and $400,000 in future wage-loss damages.

10. Reducing Audrey West's future economic damages to gross present cash value at a rate of 5% per year, compounded annually, results in present-value future economic damages of $255,582.96.

11. The Court awarded Audrey West $1,440,000 in future noneconomic damages for pain and suffering from 2026 through 2071, calculated at $30,000 per year for 48 years.

12. Reducing Audrey West's future noneconomic damages for pain and suffering to gross present cash value at a rate of 5%, compounded annually, results in present-value future noneconomic damages of $542,314.73.

13. Audrey West's total present-value future damages before a reduction for comparative fault are $797,897.69.

14. Reducing Audrey West's total present-value future damages by 33% results in recoverable future damages of $534,591.45.

15. Audrey West's total judgment amount, excluding taxable costs, statutory interest accruing after May 15, 2026, and any applicable postjudgment interest, is $954,107.50.

Contemporaneously with this Opinion and Order, the Court will enter an Order of Final Judgment against the DNR and in favor of Randy West in the amount of $584,365.57, exclusive of taxable costs, statutory interest accruing after May 15, 2026, and any applicable postjudgment interest, and against the DNR and in favor of Audrey West in the amount of $954,107.50, exclusive of taxable costs, statutory interest accruing after May 15, 2026, and any applicable postjudgment interest.

IT IS SO ORDERED. This order does not resolve the last pending claim and does not close the case.

Date: August 31, 2026

Randy J. Wallace

Hon. Randy J. Wallace
Judge, Court of Claims