STATE OF MICHIGAN

COURT OF CLAIMS

CONTINENTAL RENTAL, INC.,

Plaintiff,

v Case No. 23-000133-MT

MICHIGAN DEPARTMENT OF TREASURY, Hon. Michael F. Gadola

Defendant.
_____ /

ORDER DENYING DEFENDANT'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF AND SETTING DEADLINE FOR THE PARTIES TO ADVISE THE COURT OF THE STATUS OF SETTLEMENT DISCUSSIONS

On October 30, 2025, this Court, Judge SWARTZLE presiding, issued an opinion and order on summary disposition. On November 20, 2025, the Court denied defendant's motion for reconsideration. On April 13, 2026, defendant filed a motion for leave to file a supplemental brief. Plaintiff responded to the motion on April 27, 2026. Because there are no pending motions to be supplemented, and considering the nature of the requested relief, the Court deems the motion for leave to file a supplemental brief as an untimely second motion for reconsideration. Having reviewed the two recent Court of Appeals opinions cited in defendant's proposed supplemental brief, the Court determines that they do not articulate new legal standards warranting reconsideration of the issues. Accordingly, IT IS ORDERED:

1. Defendant's motion is DENIED for failure to demonstrate a palpable error by which the Court and the parties have been misled. Court of Claims LCR 2.119(F)(3).

2. Plaintiff's request for attorney fees under MCL 600.2591 is DENIED because the motion for leave to file a supplemental brief is not "a civil action or defense to a civil action." See *Home-Owners Ins Co v Andriacchi*, 320 Mich App 52, 76 n 6; 903 NW2d 197 (2017).

3. The parties shall advise the Court of the status of settlement negotiations by **4:00 p.m. on Friday, May 15, 2026.**

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

Date: May 6, 2026

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