STATE OF MICHIGAN

COURT OF CLAIMS

FRANCESCA GOTSCH,

Plaintiff,

v

Case No. 23-000173-MZ

STANLEY M. BERRY, MARK E. SCHWEITZER, LASHARA MONTGOMERY, and LAURE BORDAS-ISNER,

Hon. James Robert Redford

Defendants.
_____/

ORDER GRANTING PLAINTIFF'S 10/20/25 MOTION TO FILE SECOND AMENDED COMPLAINT

On November 24, 2025, the Court held a case management conference with counsel for all parties. Counsel for plaintiff asserted that during discovery, she realized there was no support for plaintiff's fraud claims, but uncovered new evidence in support of plaintiff's earlier-dismissed negligent misrepresentation claim. As a result, plaintiff stipulated to the dismissal of her fraud claims. The Court entered that stipulated order on October 23, 2025. Plaintiff contemporaneously moved to file a second amended complaint raising a single count of negligent misrepresentation.

Defense counsel objected to plaintiff filing a second amended complaint because it was raised past the July 9, 2025 deadline in the April 17, 2025 Stipulated Order to Adjourn Scheduling Order Dates. Defense counsel further argued that plaintiff should have moved for reconsideration of this Court's July 22, 2024 opinion and order summarily dismissing the negligent misrepresentation claim.

Leave to file an amended complaint must be freely granted when justice so requires. MCR 2.118(A)(2); *Miller v Chapman Contracting*, 477 Mich 102, 106; 730 NW2d 462 (2007). Here, plaintiff acknowledged that her pending claims of fraud lacked factual support and stipulated to their dismissal. The parties' stipulated order specifically stated that it was not a final order resolving all matters in this case to allow plaintiff to move to amend her complaint. Under these circumstances, the Court finds good cause to waive the July 9, 2025 deadline for filing amended pleadings.

IT IS ORDERED:

1. The Court GRANTS plaintiff's motion to file a second amended complaint and accepts for filing the second amended complaint appended to plaintiff's October 20, 2025 motion.

2. The Court directs defendants to file first responsive pleadings to the second amended complaint no later than December 22, 2025.

3. If defendants respond to the second amended complaint with motions for summary disposition, plaintiff's response(s) is due no later than January 12, 2025, and defendants' replies no later than January 16, 2025.

4. This is not a final order resolving all issues in this case.

Date: December 1, 2025

James Robert Redford
Judge, Court of Claims