STATE OF MICHIGAN

COURT OF CLAIMS

STACEY PANTOJA,

Plaintiff,

v

Case No. 24-000005-MZ

MICHIGAN DEPARTMENT OF CORRECTIONS,

Hon. Christopher P. Yates

Defendant.
_____/

OPINION AND ORDER DENYING SUMMARY DISPOSITION TO DEFENDANT

For several years, Plaintiff Stacey Pantoja has pursued claims against Defendant Michigan Department of Corrections for discharge based on disability, sex discrimination, and harassment. She began in the United States District Court for the Western District of Michigan on May 1, 2023. There, her complaint asserted that, "[o]n September 15, 2022, Plaintiff was terminated due to her disability and complaints of sex discrimination and harassment." Next, on July 12, 2023, plaintiff filed in the Court of Claims a "notice of intention to file claims pursuant to MCL 600.6431" against MDOC. Thereafter, on August 8, 2023, plaintiff filed a complaint in Ionia Circuit Court alleging that, "[o]n September 15, 2022, [she] was terminated due to her disability and complaints of sex discrimination and harassment." Finally, after that case was transferred to the Court of Claims on January 16, 2024, defendant moved for summary disposition under MCR 2.116(C)(7), contending that plaintiff did not comply with the deadline set forth in the Court of Claims Act, MCL 600.6431. But because plaintiff filed a notice of intention to file claims within one year of the accrual of her claims, the Court shall deny defendant summary disposition of plaintiffs' claims.

The significant dates in this case are not in dispute. Plaintiff was terminated by defendant on September 15, 2022. Indeed, plaintiff has made that allegation in litigation in both federal court and state court. Plaintiff filed her notice of intention to file claims pursuant to MCL 600.6431 with the Court of Claims on July 12, 2023. According to the Court of Claims Act, MCL 600.6431(1), "a claim may not be maintained against this state unless the claimant, within 1 year after the claim has accrued, files in the office of the clerk of the court of claims either a written claim or a written notice of intention to file a claim against this state or any of its departments[.]" Thus, the general rule is that either a claim or a notice of intention to file a claim must be submitted within one year of the claim's accrual. But MCL 600.6431(4) sets forth a shorter filing period for certain types of claims. Specifically, under MCL 600.6431(4), "[f]or a claim against this state for property damage or personal injuries, the claimant shall file the claim or notice under subsection (1) with the clerk of the court of claims within 6 months after the event that gives rise to the claim." When a plaintiff does not meet the requirements of MCL 600.6431, "her claims must fail." *Christie v Wayne State Univ*, 511 Mich 39, 45; 993 NW 2d 203 (2023). But if the plaintiff meets the deadline prescribed by MCL 600.6431, the claims may proceed on the merits.

Defendant requests summary disposition under MCR 2.116(C)(7) because plaintiff did not comply with the six-month filing deadline set by MCL 600.6431(4). "MCR 2.116(C)(7) provides that a motion for summary disposition may be raised on the ground that a claim is barred because of immunity." *Dextrom v Wexford Co*, 287 Mich App 406, 428; 789 NW2d 211 (2010). Whenever "no facts are in dispute, and if reasonable minds could not differ regarding the legal effect of those facts, the question whether the claim is barred is an issue of law for the court." *Id.* at 429. In this case, the facts concerning the timeliness of plaintiff's "notice of intention to file claims" are not in dispute, so the Court can resolve defendant's summary disposition motion as a matter of law.

The outcome of defendant's motion for summary disposition turns upon whether plaintiff's claims are properly regarded as "claims for property damage or personal injuries," as contemplated by MCL 600.6431(4), or are instead characterized as other types of claims subject to the one-year deadline set forth in MCL 600.6431(1). Traditionally, claims for disability discrimination, gender-based discrimination, and disability-based or gender-based harassment have been characterized as personal-injury claims. See, e.g., *Springer v Bd of Trustees of Edward W Sparrow Hosp*, 62 Mich App 696, 701; 233 NW2d 698 (1975). In the context of immunity disputes involving the Court of Claims Act deadlines, however, our appellate courts have taken a different approach. In *Christie*, 511 Mich at 43-45, our Supreme Court referred to the one-year notice deadline prescribed by MCL 600.6431(1) – rather than the six-month filing period set forth in MCL 600.6431(4) – in discussing governmental immunity with regard to plaintiff's claims under the Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq*, and the Persons With Disabilities Civil Rights Act, MCL 37.1101 *et seq*. In a more recent case, our Court of Appeals expressly stated – albeit in an unpublished opinion – that "our Supreme Court's examination of MCL 600.6431 in *Christie*, and its holding that reversal was warranted because 'it is undisputed in this case that plaintiff did not comply with MCL 600.6431(1) within one year of the accrual of her claims,' underscores that subsection (1), not subsection (4), controls claims advanced under the [Elliott-Larsen Civil Rights Act]." *Chiravuri v Univ of Mich*, unpublished per curiam opinion of the Court of Appeals, issued September 11, 2025 (Docket No. 373389), p 5. Consequently, the Court concludes that plaintiffs' claims in the instant case must be measured by the one-year period in MCL 600.6431(1), and so plaintiff may proceed on the merits on her claims against defendant.

Defendant contends that even if this Court follows the ruling in *Chiravuri*, plaintiff cannot pursue her claims because plaintiff alleges that she suffered physical pain as a result of defendant's

conduct, which constitutes a type of "personal injuries" contemplated by MCL 600.6431(4). The Court disagrees. Defendant has unequivocally stated that "[t]his is an ELCRA and PWDCRA case in which Plaintiff is seeking damages due to discrimination and harassment she sustained at work, not for personal injuries . . . ." Defendant is not free to recharacterize plaintiff's claims in an effort to defeat those claims on the basis of immunity. Plaintiff will be bound by her characterization of her damages, but she cannot be held to account for seeking damages that she has disclaimed. Thus, defendant's motion for summary disposition under MCR 2.116(C)(7) is denied.[1]

IT IS SO ORDERED.

This is not a final order because it does not resolve the last pending claim or close the case.

Dated: May 4, 2026

Hon. Christopher P. Yates (P41017)
Judge, Court of Claims

[1] The Court acknowledges that defendant has filed a separate summary disposition motion pursuant to MCR 2.116(C)(10), but the Court will not yet address that motion testing the factual sufficiency of plaintiffs' claims because defendant has the ability to pursue its immunity argument under MCR 2.116(C)(7) on an interlocutory appeal of right. See MCR 7.203(A)(1) and MCR 7.202(6)(a)(*v*). Once defendant has made clear whether it intends to pursue such an appeal of right, the Court can – and will – address defendant's motion for summary disposition under MCR 2.116(C)(10).