STATE OF MICHIGAN

COURT OF CLAIMS

RANA ATWI,

Plaintiff,

v

STATE OF MICHIGAN and MICHIGAN DEPARTMENT OF TRANSPORTATION,

Defendants.
_____/

OPINION AND ORDER

Case No. 24-000056-MD

Hon. James Robert Redford

OPINION AND ORDER DENYING DEFENDANTS' MARCH 3, 2026 MOTION FOR SUMMARY DISPOSITION PURSUANT TO MCR 2.116(C)(7) AND (C)(10)

Before the Court is defendants' second motion for summary disposition, filed March 3, 2026. Defendants' first motion for summary disposition was filed under MCR 2.116(C)(7) on December 23, 2024, and denied on April 1, 2025.

Following that denial, defendants filed a claim of appeal to the Court of Appeals, which was denied for lack of jurisdiction. Defendants then filed a delayed application for leave to appeal, which was denied for failure to persuade the Court of Appeals of the need for immediate review. Defendants failed to keep this Court apprised of these actions.

Approximately four months into these proceedings, on August 5, 2024, the Court issued a Scheduling Order as follows:

> 1. All witnesses, including experts, shall be named on witness lists and exchanged no later than **Thursday, December 26, 2024**.

2. A STATUS CONFERENCE will be held on a date determined by the Court and the parties will be notified via telephone conference to be initiated by the Court.

3. DISCOVERY shall be COMPLETED on or before **Monday, March 3, 2025**. PURSUANT TO MCR 2.301(A); MCR 2.401(B)(2)(a), ADDITIONAL DISCOVERY WILL BE PERMITTED BEYOND THIS DATE ONLY UPON MOTION FOR GOOD CAUSE.

4. MOTIONS TO AMEND PLEADINGS must be filed by **Tuesday, January 21, 2025.**

5. DISPOSITIVE MOTIONS shall be filed no later than **Monday, March 10, 2025**.

6. The parties are encouraged to use self-instituted ADR.

The Court acknowledges that in order to accommodate the parties, largely defendants, the Court has allowed additional time for discovery to be taken in the course of this litigation.

The Court's understanding is that the latest date discovery could reasonably have been extended to by order of the Court was August 19, 2025. Specifically, the stipulated March 21, 2025 order required defendants to present their initial disclosures within seven days (a deadline missed by defendants), to produce their representatives for a deposition within 30 days (a deadline that was also missed), and to submit the matter to facilitation within 90 days, or by August 19, 2025 (which also did not happen). However, at no time since the issuance of the Court's initial Scheduling Order did it ever amend or extend the deadlines for filing dispositive motions.

Defendants did finally produce their witness lists on November 12, 2025. The Court observes that for reasons that are unclear to the Court, defendants appear to have chosen not to follow any other directions in the Court's Scheduling Order or the Court's directions at numerous status conferences to comply with their obligations to provide initial disclosures and to otherwise comply with their discovery obligations. It is axiomatic, that a Court has the authority and duty to

manage the cases assigned to its docket. *Maldonado v Ford Motor Co*, 476 Mich 372, 376; 719 NW2d 809 (2006); MCL 600.611. It is equally axiomatic that a Court speaks through its orders. *Cassidy v Cassidy*, 318 Mich App 463, 509; 899 NW2d 65 (2017).

Defendants' March 3, 2026 motion for summary disposition was filed nearly one year beyond the time period authorized by the Court for filing a dipositive motion for summary disposition. Without the need of a reply brief from plaintiff, the Court DENIES the motion for summary disposition filed by defendants on March 3, 2026, as being in violation of the Court's Scheduling Order.

The parties shall appear for the in-person status conference on Tuesday, March 10, 2026, at 11:00 a.m., as set by the Court's orders of February 10, 2026 and February 13, 2026. A settlement conference will follow the status conference.

This is not a final order and does not close the case.

IT IS SO ORDERED.

Date: March 5, 2026

James Robert Redford
Judge, Court of Claims