STATE OF MICHIGAN

COURT OF CLAIMS

CHARLES JACKSON,

Plaintiff,

v

Case No. 24-000160-MZ

RENEE MORRIS and MICHIGAN DEPARTMENT OF CORRECTIONS,

Hon. Brock A. Swartzle

Defendants.
_____/

ORDER GRANTING DEFENDANTS' MOTION FOR RECONSIDERATION AND GRANTING SUMMARY DISPOSITION IN FAVOR OF MICHIGAN DEPARTMENT OF CORRECTIONS

This action originated in Jackson Circuit Court on June 12, 2023. Plaintiff, a prisoner in the custody of defendant Michigan Department of Corrections (MDOC), sued Kevin Schmall for personal injuries he received on May 10, 2022, when the prison transfer van in which he was a passenger was involved in a collision with a vehicle driven by Schmall. On April 22 2024, plaintiff amended his complaint to add claims of negligence against the MDOC and Renee Morris, the MDOC employee who was driving the prison transfer van at the time of the collision. MDOC and defendant Morris transferred the claims against them to this Court on October 1, 2024.

On October 3, 2024, MDOC moved for summary disposition under MCR 2.116(C)(7). MDOC argued that plaintiff's failure to file a notice of intent or a claim within six months after the collision as required for personal injury actions under MCL 600.6431(4) of the Court of Claims Act (COCA), MCL 600.6401 *et seq*., mandated dismissal of the claims against the MDOC.

At the time MDOC filed its motion for summary disposition, our Supreme Court had decided *Christie v Wayne State Univ*, 511 Mich 39, 45; 993 NW2d 203 (2023), and held that the notice requirements of MCL 600.6431 apply to all claims against the state, including those filed in circuit court. In so holding, the Supreme Court expressly overruled the contrary holding in *Tyrrell v Univ of Michigan*, 335 Mich App 254, 268-273; 966 NW2d 219 (2020), that a plaintiff suing a state entity in circuit court did not have to comply with the COCA's notice requirements. One day after MDOC filed its motion for summary disposition in this case, the Court of Appeals held in *Flamont v Dep't of Corrections*, ___ Mich App ___; ___ NW2d ___ (2024) (Docket No. 367863); slip op at 6, that *Christie* should be applied retroactively.

While MDOC's motion for summary disposition was pending in this Court, the Court of Appeals held in *Landin v Dep't of Health and Human Servs*, ___ Mich App ___, ___; ___ NW3d ___ (Docket No. 367356); slip op at 2, 8-9, that *Christie* should not be applied retroactively to those cases in which the plaintiff relied upon the then-binding precedent of *Tyrrell*. In other words, *Christie* should not be applied retroactively to post-*Tyrrell*/pre-*Christie* cases—those circuit court cases that were in a procedural posture wherein *Tyrrell*'s interpretation of MCL 600.6431 was binding precedent during the applicable notice period. This Court was therefore compelled to follow *Landin*.

Applying *Landin*, this case fell squarely within the post-*Tyrrell*/pre-*Christie* period identified in *Landin* to which *Christie* was not to be retroactively applied. This Court concluded that plaintiff was not required to comply with the notice requirements of MCL 600.6431 and, accordingly, denied MDOC's motion for summary disposition in a November 19, 2024 order.

On November 26, 2024, the Court of Appeals issued a decision in *Hudson v Dep't of Corrections*, ___ Mich App ___; ___ NW3d ___ (2024) (Docket No. 367902) (*Hudson I*). In *Hudson I*, a case that fell within the post-*Tyrrell*/pre-*Christie* period identified in *Landin*, the Court of Appeals acknowledged that it was bound by *Landin*, but believed that *Landin* conflicted with *Flamont*. *Id*. at ___; slip op at 6. The panel declared a conflict concerning the retroactivity of *Christie*. *Id*.

MDOC moved for reconsideration of this Court's order denying summary disposition on December 9, 2024. This Court held MDOC's motion for reconsideration in abeyance pending the outcome of a conflict panel convened to resolve the conflict between *Landin* and *Flamont*.

On July 29, 2025, the conflict panel issued a decision in *Hudson v Dep't of Corrections*, ___ Mich App ___; ____ NW3d ___ (2025) (Docket Nol. 367902) (*Hudson II*). In *Hudson II*, a majority of the conflict panel agreed with *Hudson I* that *Landin* conflicted with the binding opinion in *Flamont*. *Id*. at ___; slip op at 2. The Court concluded that the *Flamont* decision bound the panel in *Landin* to apply *Christie*. The panel stated that *Landin* shall no longer have precedential effect. *Id*. at ___; slip op at 6.

Given the Court of Appeals' conclusion in *Hudson II*, the Court GRANTS MDOC's motion for reconsideration under Court of Claims LCR 2.119(F).

As this Court explained in its November 19, 2024 order denying MDOC's motion for summary disposition, the events giving rise to the claims in this case—the collision—occurred on May 10, 2022. After November 10, 2022, it was no longer possible for plaintiff to comply with MCL 600.6431. Because plaintiff filed suit without complying with the COCA's notice

requirements, dismissal of the claims against the MDOC is required under *Christie*. Accordingly, the Court GRANTS MDOC's motion for summary disposition under MCR 2.116(C)(7).

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

Date: August 11, 2025

Hon. Brock A. Swartzle
Chief Judge, Court of Claims