STATE OF MICHIGAN

COURT OF CLAIMS

CHARLES JACKSON,

Plaintiff,

v

Case No. 24-000160-MZ

PAMELA RENEE MORRIS and MICHIGAN DEPARTMENT OF CORRECTIONS,

Hon. Michael F. Gadola

Defendants.
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OPINION AND ORDER DENYING DEFENDANT MORRIS'S MOTION FOR SUMMARY DISPOSITION AND DENYING PLAINTIFF'S COUNTERMOTION FOR PARTIAL SUMMARY DISPOSITION

Plaintiff, Charles Jackson, was injured in a motor vehicle accident while a passenger in a transport van driven by defendant Pamela Renee Morris, a corrections transportation officer with the Michigan Department of Corrections (MDOC).[1] The sole question for purposes of Morris's motion for summary disposition is whether Morris is entitled to governmental immunity under the governmental tort liability act (GTLA), MCL 691.1401 *et seq*., or whether her conduct falls within the gross-negligence exception to governmental immunity outlined in MCL 691.1407(2). Plaintiff countermoved for partial summary disposition under MCR 2.116(I)(2), arguing that the factual record establishes that Morris's failure to secure plaintiff's seat belt was grossly negligent conduct.

[1] The MDOC was dismissed from this case on August 11, 2025.

Because genuine issues of material fact exist on the issues of gross negligence and proximate cause, the Court DENIES both motions.

I. BACKGROUND

On May 10, 2022, Jackson, an MDOC inmate, was transported from the Ionia Correctional Facility to Jackson, Michigan, for a medical appointment relating to a preexisting condition in his left shoulder. Morris and corrections transportation officer Jason Rowell traveled with plaintiff in a four-row transport van, which was owned by the MDOC and equipped with seat belts. Plaintiff was placed in an abdominal restraint (also known as a belly chain) and handcuffs for the transport, which kept his hands immobilized at his sides. Plaintiff's feet were also restrained. Rowell drove the van to the appointment.

The van was involved in an accident on the return trip to Ionia after the appointment. Morris was driving the van at the time of the accident. The accident occurred around 1:13 p.m. at the traffic-light-controlled intersection of Cooper Street and Parnall Road in Blackman Township. The MDOC van, which was traveling westbound on Parnall Road through the intersection, struck the rear passenger side of a truck driven by nonparty Kevin Schmall,[2] which was making a left turn from Parnall Road onto northbound Cooper Street. The collision damaged the right fender and hood of the van. During her deposition, Morris described the accident as follows:

> I was traveling westbound on Cooper Street [sic], and I was approaching an intersection. The light turned yellow, and I proceeded through the intersection. And as I did, an oncoming truck that was awaiting to turn north, turned in front of me, and I swerved to avoid hitting him. But I ended up clipping the tail end of his truck.

[2] Schmall passed away while this matter was pending and therefore was not deposed in this case.

Morris testified that she did not see Schmall's vehicle until he turned in front of the van. Morris denied speeding through the intersection. She could not recall whether she accelerated to get through the intersection when she saw the yellow light but did not believe that she did so.[3] Morris explained that she felt that it would not have been a safe option to stop after the light turned yellow: "I would have had to slam on my brakes, and that could have caused a rear-end collision if I would have done that. I was too close to the yellow light to slam on my brakes."

According to plaintiff, the collision forced him to "fly over the seat" and into a clear Plexiglas safety barrier separating the front row of the van from the remaining rows. Plaintiff could not recall during his deposition what part of his body hit the Plexiglas barrier. He testified that when he hit the barrier, he became entangled in his abdominal restraint. He also had trouble breathing because of white smoke released from the airbags in the van, which had deployed during the collision. According to plaintiff, he was not assisted in the immediate aftermath of the accident. Instead, he stayed "upside down" and tangled in the abdominal and feet restraints for about 30 minutes.[4] Plaintiff was transported back to the Ionia Correctional Facility by a backup MDOC

[3] Rowell did not see the events leading up to the accident because he was looking down at his cell phone screen to make a phone call relating to plaintiff's health appointment. He did not look up until he heard Morris shout. He testified at his deposition as follows: "And that's when I looked up and I was like, Oh. And then boom. All I seen was airbags and my phone flying out of my hand." Rowell did not feel Morris apply the brakes until just before the collision, explaining that it happened "[p]retty much all simultaneously."

[4] According to Rowell, he and Morris asked plaintiff following the accident if he was hurt, and he responded that he was "fine." They then concentrated on communicating with the police and finding another transport van to take plaintiff back to Ionia.

transport van. Plaintiff alleged that he experienced pain in his left leg, back, and neck following the incident.

Plaintiff testified during his deposition that neither officer offered to put on his seat belt before the transport to or from his medical appointment. He explained that he could not put on his seat belt due to his restraints. Morris acknowledged during her deposition that (1) she did not believe plaintiff was wearing a seat belt at the time of the accident, (2) there was "[n]o reason" that plaintiff should not have been wearing a seat belt, and (3) MDOC's protocols required transportation officers to secure inmates with a seat belt during a transport.[5] Morris did not have a specific recollection of whether plaintiff was wearing his seat belt during the collision and suggested during her deposition that he may have been able to unbuckle his seat belt himself.

Plaintiff testified that he saw Morris holding her cell phone in her right hand "[o]n the way over and on the way back . . . the entire time." He could see Morris scrolling with her finger and showing something displayed on her cell phone to Rowell. The cell phone went "back and forth" between Rowell and Morris, and the two were laughing, although plaintiff could not hear what they were saying. Morris has denied using a cell phone while driving.

According to plaintiff, the accident occurred as the van was passing by a Michigan State Police post. Plaintiff recalled looking out a passenger window at the various state-police vehicles parked in the parking lot before the collision. He testified as follows:

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[5] The job duties of a corrections transportation officer, as outlined by the MDOC's job specifications, include the requirement to "exercise discretion and independent judgment in critical, complex, and potentially violent situations." Morris and Rowell were charged with ensuring the "proper safety precautions for the trip" and "determin[ing] the amount and types of restraints[.]" They were also required to ensure "a safe and controlled travel environment."

> *Q*. Okay. What made you turn your attention—turning to the accident then, what made you turn your attention to what was happening in front of the van?
>
> *A*. Feeling the vehicle surge forward, revving up, like accelerating, getting ready to pass somebody or something. We're speeding up—getting ready to speed up or something. I was looking to the side at the time over at the State Police post when she accelerated and so that made me turn my head from that to look ahead. That's when I'm looking at the light and what's going on in front of us.

Plaintiff explained that he had a clear line of sight through the Plexiglas barrier and the windshield, so he was able to see what occurred in front of the van during the collision. He believed the van had just cleared the driveway of the Michigan State Police post when he felt the acceleration. According to a satellite analysis plaintiff includes in his response brief, the area between the driveway of the Michigan State Police post and the intersection totals approximately 293 feet—which plaintiff interprets to mean that Morris traveled up to 293 feet after the point when plaintiff looked up and saw that the light was yellow. Morris does not dispute this distance calculation.

Plaintiff sued Schmall in the circuit court. He later amended his complaint to assert negligence claims against Morris and the MDOC. The claims against Morris and the MDOC were transferred to this Court.[6] The MDOC moved for summary disposition on the basis that plaintiff did not file a timely claim or notice of intent in this Court within six months of the collision, as required under the Court of Claims Act, MCL 600.6431(4). This Court granted the MDOC's motion on reconsideration.

Following discovery, Morris moved for summary disposition under MCR 2.116(C)(7) and (10), arguing that no genuine issue of material fact exists on whether she was grossly negligent or the proximate cause of plaintiff's injuries, both of which are elements that plaintiff must establish

[6] Plaintiff's circuit-court case against Schmall settled after the claims against Morris and the MDOC were transferred to this Court.

to avoid application of governmental immunity to his tort claim. Morris argues that even if she accelerated the van before the incident, this act alone does not demonstrate a willful disregard for the safety of others. Additionally, Morris argues that Schmall's decision to turn his vehicle into oncoming traffic against her right-of-way was the one most immediate, direct, and efficient cause of plaintiff's injuries.

In response, plaintiff argued that this Court should grant partial summary disposition in his favor under MCR 2.116(I)(2) because Morris's failure to ensure that plaintiff was wearing a seat belt before the return trip is sufficient to establish that Morris was grossly negligent. Plaintiff further argues that Morris's motion omitted key facts, including his testimony that Morris was using her cell phone while driving the van and that the van was more than 290 feet from the intersection when plaintiff saw the traffic light turn yellow. Plaintiff argues that Morris's cell phone use rendered her as impaired as a driver who is operating under the influence of alcohol. He further contends that Morris violated MCL 257.612(1)(b) by accelerating when the light turned yellow instead of either stopping or proceeding cautiously through the intersection. Plaintiff argues that he is entitled to sanctions because Morris's motion for summary disposition is frivolous, although he does not expand on that argument in his response brief.

In reply, Morris argues that this Court should consider her motion for summary disposition uncontested under Court of Claims LCR 2.119(C)(3) because plaintiff's response brief was more than seven days late, and plaintiff failed to outline in his response brief any basis for a finding of

good cause for the delay.[7] Morris contends that even if she was using a cell phone while driving or accelerating when the light turned yellow, these actions did not cause the collision. Instead, Schmall's conduct was the proximate cause of the accident. Morris also contends that under MCL 257.710e(3) and (5), plaintiff was not required to wear a seat belt as a third-row passenger, so the alleged failure to buckle plaintiff's seat belt does not constitute gross negligence. Because the briefing adequately addresses the issues raised in the motion and countermotion, the Court dispenses with a hearing.

II. ANALYSIS

"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 granted by law." *Dextrom v Wexford Co*, 287 Mich App 406, 428; 789 NW2d 211 (2010). The Court of Appeals has explained that

> [w]hen reviewing a motion under MCR 2.116(C)(7), [the Court] must accept all well-pleaded factual allegations as true and construe them in favor of the plaintiff, unless other evidence contradicts them. If any affidavits, depositions, admissions, or other documentary evidence are submitted, the court must consider them to determine whether there is a genuine issue of material fact. If 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 428-429 (citations omitted).]

A motion under MCR 2.116(C)(10) examines the factual sufficiency of the plaintiff's claim. *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 160; 934 NW2d 665 (2019).

> When considering such a motion, a trial court must consider all evidence submitted by the parties in the light most favorable to the party opposing the motion. A motion under MCR 2.116(C)(10) may only be granted when there is no genuine issue of material fact. A genuine issue of material fact exists when the record leaves open

[7] The Court denies Morris's request to deem her motion uncontested under LCR 2.119(C)(3). Although plaintiff's response brief was untimely, the delay was minimal, and there is no apparent prejudice to Morris, who submitted a timely reply brief.

> an issue upon which reasonable minds might differ. [*Id*. (citations and quotation marks omitted).]

MCR 2.116(I)(2) provides, "If it appears to the court that the opposing party, rather than the moving party, is entitled to judgment, the court may render judgment in favor of the opposing party."

The GTLA provides, in relevant part:

> Except as otherwise provided in this section, and without regard to the discretionary or ministerial nature of the conduct in question, each officer and employee of a governmental agency, each volunteer acting on behalf of a governmental agency, and each member of a board, council, commission, or statutorily created task force of a governmental agency is immune from tort liability for an injury to a person or damage to property caused by the officer, employee, or member while in the course of employment or service or caused by the volunteer while acting on behalf of a governmental agency if all of the following are met:
>
> (a) The officer, employee, member, or volunteer is acting or reasonably believes he or she is acting within the scope of his or her authority.
>
> (b) The governmental agency is engaged in the exercise or discharge of a governmental function.
>
> (c) The officer's, employee's, member's, or volunteer's conduct does not amount to gross negligence that is the proximate cause of the injury or damage. [MCL 691.1407(2)(a)-(c).]

Morris argues that her conduct satisfied all three requirements outlined in MCL 691.1407(2)(a)-(c). Morris argues, and plaintiff does not dispute, that Morris was acting within the scope of her authority as a corrections transportation officer when the collision occurred. See MCL 691.1407(2)(a). The parties also do not dispute that the MDOC was engaged in the exercise or discharge of a governmental function as it related to plaintiff's transport. See MCL 691.1407(2)(b). What is in dispute is whether Morris's conduct amounted to gross negligence that was the proximate cause of plaintiff's injury. See MCL 691.1407(2)(c).

The GTLA defines the term "gross negligence" to mean "conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results." MCL 691.1407(8)(a). "Evidence of ordinary negligence is not enough to establish a material question of fact regarding whether a government employee was grossly negligent." *Wood v Detroit*, 323 Mich App 416, 423-424; 917 NW2d 709 (2018) (quotation marks and citation omitted). Additionally, "[s]imply alleging that an actor could have done more is insufficient under Michigan law, because, with the benefit of hindsight, a claim can always be made that extra precautions could have influenced the result." *Id*. at 424 (quotation marks and citation omitted; alteration in original). And while questions regarding whether a governmental employee's conduct amounted to gross negligence are typically considered questions of fact, if reasonable minds could not differ on the factual question, then summary disposition may be granted in favor of the government employee. *Id*. The Michigan Supreme Court has clarified that the phrase "the proximate cause" in MCL 691.1407(2)(c) means "the one most immediate, efficient, and direct cause preceding an injury," not simply "a" proximate cause. *Robinson v Detroit*, 462 Mich 439, 446; 613 NW2d 307 (2000).

Beginning with the issue of gross negligence, Morris argues that no factual dispute exists because she had the right-of-way in the intersection under MCL 257.650(1), and Schmall crossed into her lane of travel while making a left turn and interfered with her right-of-way through the intersection. MCL 257.650(1) provides:

> The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to a vehicle approaching from the opposite direction which is within the intersection or so close to the intersection as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn. At an intersection at which a traffic signal is located, a driver intending to make a left turn shall permit vehicles bound

> straight through in the opposite direction which are waiting a go signal to pass through the intersection before making the turn.

As previously noted, the intersection where the collision occurred had a traffic signal. Morris argues that MCL 257.650(1) required Schmall to yield the right-of-way to her in the intersection before making his left turn.

Morris's argument overlooks MCL 257.612(1)(b), which provides, "If the signal exhibits a steady yellow indication, vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line when marked, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection." Thus, Morris was required to either stop once the light turned yellow or drive cautiously through the intersection if she could not stop safely.

Considering the evidence presented in the light most favorable to plaintiff, a question of fact exists about whether Morris's conduct was grossly negligent. Plaintiff testified that Morris accelerated the van as it was passing the Michigan State Police post over 290 feet from the intersection. Plaintiff also testified that Morris was holding her cell phone and looking at it while driving. Morris argues that her act of holding her cell phone was not illegal at the time of the collision.[8] But plaintiff testified that Morris was doing more than simply holding her cell phone—she was looking at it and passing it back and forth with Rowell. A factual dispute exists about whether Morris was distracted by her cell phone while driving.

[8] Although the law prohibiting an individual from holding a cell phone while driving was not enacted until after the accident in this case, reckless driving was nevertheless a crime, and careless or negligent driving was a civil infraction. See MCL 257.626(1)-(2); MCL 257.626b.

There is also a question of fact as to whether plaintiff was buckled initially and unbuckled his seat belt during the ride. While Morris correctly notes that MCL 257.710e(3) and (5) collectively require only the operator, the front seat passenger, and certain children to wear a seat belt, she also explained that MDOC protocol required that transportation officers ensure that transported prisoners wear a seat belt. Plaintiff testified that his abdominal restraint prevented him from putting his seat belt on or taking it off. Morris could not recall whether plaintiff's seat belt was secured when he entered the van for the return trip to Ionia. She also testified that it may have been possible for plaintiff to remove his seat belt during the transport despite his restraints.

In sum, genuine issues of material fact exist as to what actions Morris took on the day of the accident and whether those actions constituted conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results. Morris is not entitled to summary disposition under MCR 2.116(C)(7) or (10). Because factual questions exist on this issue, plaintiff is likewise not entitled to summary disposition under MCR 2.116(I)(2).

As for proximate cause, a question of material fact exists on whether Morris's conduct was the one most immediate, efficient, and direct cause of plaintiff's injuries. Plaintiff presented evidence that Morris had ample time to slow down as she approached the intersection and that she could have either stopped before the intersection or slowed enough to avoid the oncoming truck. Morris denied speeding through the intersection and did not believe that she accelerated when she saw the light turn yellow. She explained that she did not stop when the light turned yellow because she believed she was too close to the intersection and was concerned about causing a rear-end collision. Plaintiff has established a genuine issue of material fact on whether Morris's conduct was the one most immediate, efficient, and direct cause of his injuries. Therefore, the Court

DENIES both motions for summary disposition. The Court further DENIES plaintiff's request for frivolous-motion sanctions, which is not supported by an argument in plaintiff's brief.

III. CONCLUSION

For the reasons stated in this Opinion and Order,

IT IS ORDERED that Morris's motion for summary disposition under MCR 2.116(C)(7) and (10) is DENIED.

IT IS FURTHER ORDERED that plaintiff's countermotion for partial summary disposition under MCR 2.116(I)(2) is DENIED.

IT IS SO ORDERED. This is not a final order that resolves the last pending claim and does not close the case.

Date: November 4, 2026

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