STATE OF MICHIGAN

COURT OF CLAIMS

THOMAS ANDREW SCHOENBERGER, doing business as Cicada 3301, Cicada 3301 Token, and Cicada 3301 Portals, CICADA 3301 METAVERSE, LLC, and SOPHIA MUSIK,

Plaintiffs,

v

Case No. 25-000045-MM

TRUSTEES OF MICHIGAN STATE UNIVERSITY REBECCA BAHAR-COOK, MIKE BALOW, DENNIS DENNO, RENEE KNAKE JEFFERSON, SANDY PIERCE, BRIANNA T. SCOTT, KELLY TEBAY, REMA VASSAR, SHAWN TURNER, MONIQUE TURNER, and LAURA DILLEY,

Hon. Michael J. Riordan

Defendants.
_____ /

THOMAS ANDREW SCHOENBERGER, doing business as Cicada 3301, Cicada 3301 Token, and Cicada 3301 Portals, CICADA 3301 METAVERSE, LLC, and SOPHIA MUSIK,

Plaintiffs,

v

Case Nos. 25-000186-MZ; 26-000013-MZ

TRUSTEES OF MICHIGAN STATE UNIVERSITY, REBECCA BAHAR-COOK, DENNIS DENNO, RENEE KNAKE JEFFERSON, SANDY PIERCE, BRIANNA T. SCOTT, KELLY TEBAY, REMA VASSAR, KEVIN M. GUSKIEWICZ, HEIDI HENNICK-KAMINSKI, PRABU DAVID, DIMITAR DELIYSKI, SHAWN TURNER, MONIQUE TURNER, and LAURA DILLEY, in their official and individual capacities

Hon. Michael J. Riordan

Defendants.
_____ /

OPINION AND ORDER GRANTING IN PART DEFENDANTS' MOTIONS FOR SUMMARY DISPOSITION AND DIRECTING SUPPLEMENTAL BRIEFING

Plaintiffs have filed nearly identical actions in Court of Claims Docket No. 25-000045-MM and Wayne Circuit Court Docket No. 25-012153-CZ, which was transferred to this Court in two separate orders and assigned Docket Nos. 25-000186-MZ and 26-000013-MZ. The complaints are almost 100 pages long and raise 16 and 17 counts respectively. The Court consolidated these matters.[1]

Defendants have moved for summary disposition on several grounds, plaintiffs responded, and defendants filed replies. The vast majority of events for which plaintiffs have ascribed dates in the complaints occurred outside the notice period of the Court of Claims Act (COCA), requiring the dismissal of all claims arising therefrom. The Court has yet to consider whether the allegations of dated events occurring within the notice period are sufficient to support plaintiffs' claims. Because the timing issue could be outcome-determinative of many if not all of plaintiffs' claims, before the Court reaches the viability of the other grounds raised in support of summary disposition, the Court directs plaintiffs to file a supplemental brief identifying the dates on which those events occurred.

Therefore, the Court GRANTS IN PART defendants' motions for summary disposition. The Court directs plaintiffs to file a supplemental brief within 21 days of the entry of this Opinion

[1] The consolidation of these matters rendered defendants' motion for summary disposition under MCR 2.116(C)(6) moot.

and Order, and invites defendants to file a response to that brief within 21 days of service. Then the Court will rule upon whether plaintiffs' complaints must be dismissed in full.

I. BACKGROUND

Plaintiff Thomas Schoenberger asserts that he is a "composer, pianist, and musician," who circulates his music on his YouTube channel, "Sophia Musik," which also is a plaintiff in this action. Schoenberger is the sole member of plaintiff Cicada 3301 Metaverse, LLC, which plaintiffs describe as "a group of creative individuals who create music, art, poetry and puzzles meant to inspire those interested in history, music, and culture." Plaintiffs describe Cicada 3301 as a philosophy and a religion based on a "set of beliefs, sometimes referred to as the 'Temple of Music.' " Plaintiffs assert they are non-political.

Plaintiffs filed suit based on Michigan State University (MSU) Associate Professor of Psycholinguistics, defendant Laura Dilley's, research and publications identifying Schoenberger as a major contributor to the QAnon movement. Plaintiffs contend that Dilley's accusations are false and that Schoenberger and his businesses have been grievously harmed by this implication. Dilley first identified Schoenberger as a QAnon contributor in a 2021 scholarly article and repeated her accusations in media interviews, social media posts, and YouTube videos. Plaintiffs accuse Dilley of various torts, such as defamation, infliction of emotional distress, stalking, and interference with business relations. Plaintiffs further allege that various MSU officials are vicariously and/or directly liable for Dilley's tortious conduct.

II. NOTICE UNDER THE COCA

MCL 600.6431 of the COCA requires a plaintiff to file notice of a claim within a relatively short period after its accrual:

> (1) Except as otherwise provided in this section, 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, commissions, boards, institutions, arms, or agencies.
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> * * *
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> (4) For 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.

The requirements of the COCA are conditions precedent to "successfully expose the defendant state agencies to liability," *Fairley v Dep't of Corrections*, 497 Mich 290, 298; 871 NW2d 129 (2015), and the failure to comply with the notice requirements mandates dismissal of the case, *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 68; 993 NW2d 392 (2023).

The Court of Appeals recently interpreted MCL 600.6431(4) and explained when this provision's six-month notice period applies in *Short v Mich State Police*, ___ Mich App ___; ___ NW3d ___ (2026) (Docket No. 375823). "The COCA does not define the term 'personal injuries' " as used in subsection (4). *Id*., slip op at 4. In the context of a "claim for . . . personal injuries," the phrase "personal injuries" is "a legal term of art" that has "acquired a peculiar and appropriate meaning in Michigan law, generally referring to a cause of action sounding in tort." *Id*. Referring to *Black's Law Dictionary* (12th ed), p 974, the Court of Appeals noted that "personal injury" is defined for legal purposes in three ways: (1) a bodily injury, (2) an "invasion of a personal right, including mental suffering and false imprisonment," also known as a "private injury," and (3) in the workers' compensation realm as any harm arising in the scope of employment. *Short*, ___ Mich App at ___, slip op at 4-5. *Short* continued:

> Within the definition of "injury," "bodily injury" is defined as "Physical damage to a person's body. Also termed *personal injury*; *personal bodily injury*; *physical injury*. See *serious bodily injury*; *personal injury*." [*Black's Law Dictionary* (12th ed).] Similarly, Merriam-Webster's online legal dictionary defines "personal injury" as "an injury to one's body, mind, or emotions. *broadly*: an injury that is not to one's property." Merriam-Webster.com Dictionary, *personal injury* <https://www.merriamwebster.com/legal/personal%20injury> (accessed July 2, 2026). [*Short*, ___ Mich App at ___, slip op at 5.]

As in *Short*, plaintiffs in this case did not allege a bodily injury and the claims do not arise from the workers' compensation realm. Accordingly, the Court must determine whether plaintiffs have alleged an "invasion of a personal right, including mental suffering and false imprisonment." *Short* explained at length that this type of personal injury does not require a plaintiff to plead physical injury or physical harm. *Id*. at 5-10. Rather, "what constitutes injuries to [a] person includes invasions of rights that inhere in man as a rational being." *Id*. at 10 (cleaned up).

Plaintiffs' many claims in both voluminous complaints involve invasions of personal rights. At the heart of each claim raised by plaintiffs is Dilley's alleged slander and libel that allegedly damaged plaintiffs' reputations and business interests. Therefore, plaintiffs were required to file notice of their claims within six months of their accrual. Plaintiffs filed their initial notice of intent and complaint on March 24, 2025. As such, plaintiffs' actionable claims are limited to those that accrued on or after September 24, 2024.

Most of the dated acts cited by plaintiffs in support of their claims occurred before September 24, 2024. The most important event in this matter is the scholarly article written by Dilley that kicked off her alleged public campaign against plaintiffs: "QAnon Propaganda on Twitter as Information Warfare: Influencers, Networks, and Narratives." That article was published in 2021, well outside the statutory notice period. This article forms the basis for all of Dilley's later statements and actions. It is possible that plaintiffs will be unable to support their

claims without relying on the publication of this article. However, the Court will wait to make that determination until supplemental briefing is completed.

The Court notes that several other allegations in the complaints arise from events occurring outside the six-month notice period. Plaintiffs rely on a 2021 MSU-sponsored colloquium at which Dilley presented her article and statements made in the pre-publication abstract and work notes that preceded the 2021 article. Dilley's second scholarly article—"The Memetics of QAnon as Dynamical System: A Historical and Forensic Analysis Katz-Inspired Diffusion of Pro-QAnon Sentiment Among Social Media Micro Influencers 2017-2019"—was published in 2023. Plaintiffs contend that during the February 13, 2023 shooting on the MSU campus, Dilley falsely posted on X, formerly Twitter, that the gunman was acting under Schoenberger's control. Dilley's announcement that she would be writing a book based on her research was made on October 28, 2023. Plaintiffs cite a June 2024 YouTube interview with the Opperman Report. Plaintiffs rely on an October 23, 2022 e-mail communication between Dilley and Drs. Dastgeer and Thapaliya, and quotes at length from a March 8, 2022 "QAnon AstroTurfing Interview with Laura Dilley." In ¶¶ 187-192,[2] plaintiffs cite several pre-September 24, 2024 social media posts. These publications and statements arising before September 24, 2024, cannot form the basis for plaintiffs' myriad claims.

Further, plaintiffs cite events arising out of Dilley's alleged romantic and business relationship with a detractor from plaintiffs' organization, Arturo Tafoya. Dilley and Tafoya ended their relationship in 2023, placing allegations of their conduct during that relationship outside the

[2] For ease of reference, the Court will refer to paragraph numbers in the complaint underlying Docket Nos. 25-186 and 26-13 alone as that complaint includes all claims against all defendants.

COCA notice period. Plaintiffs' claim of Invasion of Privacy (Appropriation), which is Count 10 in Docket No. 24-45 and Count 11 in Docket Nos. 25-186 and 26-13, is based in full on these time-barred events. The tort of invasion of privacy based on appropriation is also referred to as misappropriation of likeness. As explained by the Court of Appeals, to support such a claim, the plaintiff must establish that "defendant's use of plaintiff's likeness was for a predominantly commercial purpose. The use must be mainly for purposes of trade, without a redeeming public interest, news, or historical value." *Battaglieri v Mackinac Ctr for Public Policy*, 261 Mich App 296, 302; 680 NW2d 915 (2004) (cleaned up). The only allegations in the complaint sounding in misappropriation of likeness are that Dilley and Tafoya produced merchandise for sale on Etsy that incorporated plaintiffs' trademarked and copyrighted information. Because those events concluded outside of the COCA notice period, plaintiffs have raised no allegations in support of this claim and it must be dismissed as a matter of law.

Plaintiffs' direct and vicarious liability claims against defendant David Prabu also must be dismissed. Prabu ceased being the Dean of the MSU College of Communication Arts and Sciences in May 2023. Accordingly, no action taken by Prabu occurred within the applicable six-month notice period.

Plaintiffs cited several events in support of their claims without identifying when these events occurred. Specifically, plaintiffs alleged in ¶ 104 that Dilley "caused to be available on the Internet" her colloquium presentation. Plaintiffs indicated that Dilley participated in several magazine interviews—including with *Business Insider*, *Rolling Stone*, and *The Financial Times*. In ¶ 105, plaintiffs stated that defendants made 44 tweets referring to Dilley's paper as "professional" and "peer-reviewed." In ¶ 110, plaintiffs asserted that defendants republished "versions of the text of the paper" and Dilley's colloquium speech on the MSU website. In ¶ ¶ 119-

122 and 124-125, plaintiffs listed several quotes made by Dilley, without a source or date. Plaintiffs asserted that after Dilley and Tafoya ended their relationship, he published earlier private communications between the parties that included allegedly defamatory statements regarding plaintiffs. Plaintiffs asserted that their counsel sent a demand letter to Dilley, which Dilley allegedly published and which allegedly caused someone named "Bogaerts" to advise Dilley to destroy incriminating evidence. Plaintiffs alleged that Dilley hacked Tafoya's e-mail account and deleted incriminating messages that would have supported plaintiffs' legal claims. They alleged that Dilley held herself out as a representative of MSU in her "self-identifying personal information on her X account" and when she enlisted "internet 'trolls' " to harass plaintiffs. In ¶ 159, plaintiffs accused Dilley of admitting in an undated conversation with an unidentified witness that she "intended to inflict harm on" Schoenberger. Plaintiffs alleged that "unknown parties hacked into" Schoenberger's computer systems and stole and misappropriated information. In support of their tortious interference with business relations claim, plaintiffs asserted that they lost several contracts and business opportunities as a result of Dilley's defamation. Plaintiffs also stated in ¶ 182 that "Tafoya received an email" purportedly from MSU's general counsel "demanding that Tafoya destroy communications between Dilley and him" in the Fall of 2024, an e-mail that may actually have been sent fraudulently by Dilley.

If these events occurred before September 24, 2024, the claims arising from them would have accrued outside the COCA notice period. The Court directs plaintiffs to file a supplemental brief identifying the dates on which these events occurred.

Plaintiffs suggest that this Court may consider communications published before September 24, 2024, because they are still available for review by the public and therefore continue to cause harm. However, the Michigan Supreme Court abrogated the "continuing-wrongs

doctrine" that permitted plaintiffs to "revive stale claims even if the claims are part of a series of 'continuing violations.' " *Fraser Twp v Haney*, 509 Mich 18, 28; 983 NW2d 309 (2022), citing *Garg v Macomb Co Community Mental Health Servs*, 472 Mich 263; 696 NW2d 646 (2005). The statute of limitations begins anew each time a defendant commits a wrongful act, but the plaintiff cannot seek redress for earlier wrongful acts outside of the notice period. *Fraser Twp*, 509 Mich at 28-29. Plaintiffs have not alleged that defendants committed repeated wrongful acts; rather, the claims allege continuing harm from past published communications. Such claims are exactly the type prohibited following the abrogation of the continuing-wrongs doctrine.

Accordingly, the Court GRANTS defendants' motions for summary disposition to the extent the claims are based on events that occurred more than six months before plaintiffs filed notice of their claims in their first complaint. This includes all claims against defendant David, as well as Count 10 in Docket No. 25-45, and Count 11 in Docket Nos. 25-186 and 26-13.

Plaintiffs are directed to file a supplemental brief to identify the dates of undated communications, publications, and events cited in support of their claims within 21 days of the entry of this Opinion and Order. Defendants may file a responsive brief within 21 days of service of plaintiffs' supplemental brief. No reply will be permitted.

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

Date: 09/08/2026

Michael J. Riordan
Judge, Court of Claims