STATE OF MICHIGAN

COURT OF CLAIMS

KENNETH A. MCCREADY,

Plaintiff,

v

Case No. 25-000059-MM

Hon. Michael J. Riordan

STATE OF MICHIGAN, GOVERNOR GRETCHEN WHITMER, in her official capacity, and M. SCOTT BOWEN, Director of Michigan Department of Natural Resources, in his official capacity

Defendants.
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OPINION AND ORDER DENYING PLAINTIFF'S MOTIONS FOR RECONSIDERATION

On October 2, 2026, plaintiff filed three separate motions for reconsideration under MCR 2.119, MCR 2.604, and MCR 2.612, seeking to vacate the Court's August 24, 2026 opinion and order which granted in part and on a limited basis plaintiff's motion for summary disposition but otherwise granted summary disposition in defendants' favor and dismissed the action.

A motion for reconsideration under MCR 2.119(F)(1) or Court of Claims LCR 2.119(F)(1), must be brought within 21 days of a court's decision. Plaintiff's motion on that ground is untimely.

A motion for reconsideration under MCR 2.604(A) applies to actions that remain pending and permits a court to revisit orders that did not dispose of all matters or close the case. See *Hill v City of Warren*, 276 Mich App 299, 307; 740 NW2d 706 (2007). Although plaintiff argues that the August 24, 2026 opinion and order did not dispose of all matters before the Court, the Court

did grant summary disposition in plaintiff's favor on a limited ground and resolved all other matters in defendants' favor, closing the case. Accordingly, MCL 2.604 is inapplicable.

Plaintiff finally seeks relief from judgment pursuant to MCR 2.612(C)(1)(a) ("Mistake, inadvertence, surprise, or excusable neglect."), (c) ("Fraud (intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party."), or (f) ("Any other reason justifying relief from the operation of the judgment."). Such a motion need only be raised "within a reasonable time," and for grounds under subsection (a) and (c), must be raised within one year. Accordingly, reconsideration is not time-barred under this rule. However, the Court discerns no error meriting this Court's reconsideration.

The Court DENIES plaintiff's motions for reconsideration. This is a final order resolving all issues in this case.

Date: October 5, 2026

Sima G. Patel
Judge, Court of Claims