STATE OF MICHIGAN

COURT OF CLAIMS

DENNIS HARTMAN, DENNIS LAPAN, JR., OLIVIA SIVY, CHRISTOPHER ZYLICK, STEPHEN CAVNER, and STACEY MOORE,

Plaintiffs,

v

Case No. 25-000071-MZ

MICHIGAN STATE POLICE, YVONNE BRANTLEY, JARED CHIROS, MICHAEL PHILLIPS, and JEFFREY SHORT,

Hon. James Robert Redford

Defendants.
_____ /

OPINION AND ORDER STAYING THE PROCEEDINGS AND ADJOURNING THE 10/29/25 HEARING

All of plaintiffs' claims stem from an alleged scheme by defendants to provide unfair advantages to preferred candidates for promotions and to discriminate against other candidates. Plaintiffs filed notice of their claims well beyond the one-year period proscribed by MCL 600.6431(1) of the Court of Claims Act (COCA). They contend that defendants fraudulently concealed the existence of their causes of action, tolling the notice period. The Court asked for supplemental briefing on whether the Court should stay these proceedings and adjourn the scheduled October 29, 2025 hearing on defendants' motions for summary disposition, pending the Michigan Supreme Court's decision in *McCormick v Mich State Univ* (Docket No. 168334) on the issue of whether fraudulent concealment serves to toll the COCA notice period. Defendants responded, in part, that the proceedings should not by stayed because plaintiffs failed to

sufficiently plead fraudulent concealment in the complaint, requiring summary disposition regardless of the outcome in *McCormick*. The Court determines that plaintiffs sufficiently pleaded fraudulent concealment and so defendants are not entitled to summary disposition on that ground at this stage in the proceedings. The Court STAYS the proceedings, including consideration of defendants' summary disposition motions, pending the resolution of the application in *McCormick* and ADJOURNS the October 29, 2025 hearing until further order of the Court.

The Legislature enacted MCL 600.5855 to toll statutory limitations periods in the face of fraudulent concealment as follows:

> If a person who is or may be liable for any claim fraudulently conceals the existence of the claim or the identity of any person who is liable for the claim from the knowledge of the person entitled to sue on the claim, the action may be commenced at any time within 2 years after the person who is entitled to bring the action discovers, or should have discovered, the existence of the claim or the identity of the person who is liable for the claim, although the action would otherwise be barred by the period of limitations.

The Court of Appeals has described fraudulent concealment as follows:

> Fraudulent concealment means employment of artifice, planned to prevent inquiry or escape investigation, and mislead or hinder acquirement of information disclosing a right of action. The acts relied on must be of an affirmative character and fraudulent. The fraud must be manifested by an affirmative act or misrepresentation. Thus, the plaintiff must show that the defendant engaged in some arrangement or contrivance of an affirmative character designed to prevent subsequent discovery. There must be concealment by the defendant of the existence of a claim or the identity of a potential defendant, and the plaintiff must plead in the complaint the acts or misrepresentations that comprised the fraudulent concealment. If there is a known cause of action there can be no fraudulent concealment which will interfere with the operation of the statute, and in this behalf a party will be held to know what he ought to know.
>
> For a plaintiff to be sufficiently apprised of a cause of action, a plaintiff need only be aware of a possible cause of action. [*Doe v Roman Catholic Archbishop*, 264 Mich App 632, 642-643; 692 NW2d 398 (2004) (quotation marks and citations omitted).]

"A plaintiff is required to plead more than mere silence." *Reserve at Heritage Village Ass'n v Warren Fin Acquisition, LLC*, 305 Mich App 92, 123; 850 NW2d 649 (2014).

The Supreme Court recently ordered oral argument on whether to grant leave to appeal in *McCormick*, in relevant part, on the issue of "whether the fraudulent-concealment exception in MCL 600.5855 applies to the statutory notice period in MCL 600.6431(1)." That issue is dispositive in this case. And contrary to defendants' arguments, plaintiffs sufficiently pleaded fraudulent concealment in the June 23, 2025 first amended complaint.

In a section entitled "Facts Regarding MSP Promotional Practices," plaintiffs allege:

> 85. That [the Michigan State Police (MSP)] follows standard operating procedures for promotions to sergeant positions.
>
> 86. That said procedures are open to extensive manipulation and have been routinely manipulated to ensure pre-selected candidates receive promotions or to ensure pre-rejected candidates do not receive promotions.

In ¶ ¶ 87 through 90, plaintiffs describe the objective factors scored following an interview, as well as some "wholly subjective evaluations" used in assigning points for "Job Fit."

> 91. That for instance, one could easily manipulate the "Job Fit" analysis's use of subjective evaluation criteria, such as the following examples: whether a candidate's résumé "reflect[s] diversified interest," whether a memorandum has an overall professional appearance, and whether the candidate has demonstrated "leadership" and "ability to work with others."
>
> 92. That said Job Fit analysis accounts for a maximum of thirty (30) out of a possible one hundred (100) points.
>
> 93. That MSP then interviews selected candidates, who are then given an Oral Interview Score.
>
> 94. That candidate interview scores are based upon subjective ratings of zero (0) to ten (10) for six categories, including "Specialized Skills & Knowledge," "Decision Making," "Adaptability," "Planning and Organizing," "Job Fit," and "Communication."

95. That one could manipulate interview scores to ensure a pre-selected candidate received a promotion.

96. That the Oral Interview Score accounts for a maximum of sixty (60) points.

97. That MSP has consistently and routinely faced issues with manipulation of its promotion process and its use of subjective evaluation criteria.

Plaintiffs then allege "Facts Regarding Conspiracy to Pre-Select Candidates at the Flint Post":

98. That between 2019 and through 2023, Defendants engaged in a conspiracy to pre-select candidates for open positions, including both sergeant and lieutenant positions, at the Flint Post.

99. That said conspiracy came to light after Defendant [Jared] Chiros had been accused of numerous instances of misbehavior and criminal activity.

100. That during an investigatory interview conducted by MSP's Professional Standards Section, . . . Defendant Chiros reported that when he applied for a sergeant position in September 2021, Defendant [Yvonne] Brantley had provided him with an envelope containing the interview questions prior to sitting for the interview in violation of numerous MSP rules and policies.

101. That MSP selected Defendant Chiros for the sergeant position in September 2021 for which he received the interview questions.

102. That Defendant Chiros further admitted in April 2022, he received a similar envelope from Defendant [Michael] Phillips, who ordered Defendant Chiros to provide the same to Trooper Nicholas Medina, who had been invited to sit for an interview for the April 2022 sergeant vacancy.

103. That Defendant Chiros provided the envelope, containing interview questions to Trooper Medina.

This led to an additional investigation by the MSP, after which the MSP determined that at least four positions were filled using this method to preselect the individual to receive the promotion and that one or more of the named defendants in this suit were involved in the scheme. Plaintiffs alleged in ¶ 108, "That during said investigation, MSP uncovered evidence that one or more of Defendants were involved in providing the interview questions to the successful

candidates." Defendant Brantley admitted during her interview that Trooper Meder received the questions before his March 2020 interview; she gave the questions to defendant Chiros before his September 2021 interview; in April 2022, defendant Phillips gave defendant Chiros the interview questions to give to Trooper Medina; and in October 2023, defendant Brantley orally conveyed the interview questions to Trooper Monroe over the telephone before his interview. The investigation did not go so far as to determine whether the candidates' scores were also manipulated by the interview panels, but plaintiffs alleged that this could be reasonably inferred from the evidence.

In a separate section of the complaint entitled "Fraudulent Concealment of Plaintiffs' Claims," plaintiffs alleged in full:

> 114. That the fraudulent-concealment exception, codified at MCL 600.5855, applies to the notice provisions of MCL 600.6431. *Mays v Snyder*, 323 Mich App 1, 39; 916 NW2d 227 (2018).
>
> 115. That Defendants fraudulently concealed the existence of Plaintiffs' claims by keeping their conspiracy secret and hidden.
>
> 116. That Defendants' scheme and conspiracy was only made known publicly through news reports on the MSP's investigation following the resignation and/or termination of the individually named defendants.
>
> 117. That said news reports were made in February 2024 and afterwards.
>
> 118. That pursuant to MCL 600.5855 and *Mays*, Plaintiffs had two (2) years after discovering the existence of said claims to file a notice of intent consistent with MCL 600.6431.
>
> 119. That Plaintiffs have filed a notice of intent pursuant to MCL 600.6431 with the Clerk of the Court of Claims prior to initiating this lawsuit.

Taken together, these allegations describe that the individual defendants engaged in activities specifically designed to prevent plaintiffs and others from discovering they were providing interview questions to preselected candidates to ensure they secured the promotion.

These actions also prevented plaintiffs from discovering their causes of action against defendants. Plaintiffs did not allege mere silence and secrecy. Accordingly, defendants are not entitled to summary disposition based on the failure to adequately plead fraudulent concealment at this time.

The Court STAYS the proceedings pending the resolution of the application in *McCormick* and ADJOURNS the October 29, 2025 hearing until further order of the Court. This is not final order resolving all issues in this case.

Date: October 21, 2025

James Robert Redford
Judge, Court of Claims