STATE OF MICHIGAN

COURT OF CLAIMS

SHALESH BERI,

Plaintiff,

v Case No. 25-000117-MM

MICHIGAN GAMING CONTROL BOARD, Hon. Sima G. Patel

Defendant.
_____ /

ORDER DENYING PLAINTIFF'S 7/31/26 MOTION TO FILE FOURTH AMENDED COMPLAINT

Plaintiff initiated this action on July 16, 2025. He filed his first amended complaint on July 28, 2025, at the Court's request to correct a deficiency in the complaint's verification. On August 25, 2025, without leave of the Court, plaintiff filed a second amended complaint. On September 15, 2025, plaintiff filed a sur-reply to defendant's September 5, 2025 motion for summary disposition without Court permission. Plaintiff filed supplemental notices on March 19 and March 31, 2026, again without leave of the Court. The Court struck these prohibited filings in its June 17, 2026 opinion and order granting defendant's motion for summary disposition of plaintiff's first amended complaint. However, the Court granted plaintiff permission to file a second amended complaint within 21 days. Plaintiff did so.

Twelve days after filing his second amended complaint, plaintiff moved to file a third amended complaint. The Court granted that motion on July 15, 2026, but warned plaintiff that

"further motions to amend the complaint will be considered 'repeated failures to cure deficiencies.' " Plaintiff now seeks to file a fourth amended complaint a mere 16 days later.

Although MCR 2.118(A)(2) provides that leave to file an amended complaint should be freely given, leave is limited to situations "when justice so requires." Justice weighs against granting permission to file an amended complaint when certain particularized reasons exist, such as:

> (1) undue delay, (2) bad faith or dilatory motive on the part of the movant, (3) *repeated failure to cure deficiencies by amendments previously allowed*, (4) undue prejudice to the opposing party by virtue of allowance of the amendment, and (5) futility. [*Weymers v Khera*, 454 Mich 639, 658; 563 NW2d 647 (1997) (cleaned up, emphasis added).]

Repeated motions to amend a complaint prejudice both the defendant and the Court. They interfere with the orderly and efficient operation of the Court. See *Baynesan v Wayne State Univ*, 316 Mich App 643, 651; 894 NW2d 102 (2016) ("[A] trial court has the inherent authority to control its own docket and internal affairs to achieve an orderly and expeditious disposition of cases."). Repeated alterations to the factual allegations and legal bases for claims prejudice the defendant who must repeatedly change course in responding to and defending against the plaintiff's claims.

Plaintiff asserts that his fourth amended complaint "narrowly corrects express disclaimers in the present pleading." But he admits that it also states an alternative claim. Plaintiff's action has been pending for more than a year. There has been more than ample time for plaintiff to uncover the causes of action available to him and the initial facts upon which he intends to rely. It is now time for defendant to respond to plaintiff's third amended complaint and for this case to

move forward. The Court will not permit a second amendment to the complaint in the short span of a month.

The Court DENIES plaintiff's motion to file a Fourth Amended Complaint.

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

Date: August 5, 2026

Sima G. Patel
Judge, Court of Claims