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 8/5/26 MOTION FOR RECONSIDERATION AND FOR LIMITED EXPEDITED DISCOVERY

On August 5, 2026, the Court denied plaintiff's motion to file a fourth amended complaint, his second such motion in less than a month. As warned in the Court's July 15, 2026 order, the Court considered plaintiff's latest motion as a "repeated failure[] to cure deficiencies" in the pleadings and denied the motion.

Plaintiff seeks reconsideration, contending that the Court committed palpable error as contemplated in MCR 2.119(F). He contends that defendant will not be prejudiced if the Court grants his motion because defendant has yet to respond to the third amended complaint.

Defendant will suffer prejudice because it already has been required to repeatedly review plaintiff's ever-evolving theory of his case. Defendant's response to the third amended complaint is due August 27, 2026, but this does not mean that defendant has not already begun crafting its response. Forcing defendant to review yet another amended complaint and adjust the course of its

response yet again would be prejudicial. The Court DENIES plaintiff's motion for reconsideration.

Plaintiff also seeks to begin "limited" discovery. Under the Michigan Court Rules, discovery does not begin until the requesting party has filed its initial disclosures. MCR 2.301(A)(1). "A party that files a complaint," such as plaintiff in this case, "must serve its initial disclosures within 14 days after [defendant] files an *answer* to that pleading." MCR 2.302(A)(5)(b)(*i*) (emphasis added). Based on these rules, if defendant files an answer to the third amended complaint, not a motion for summary disposition, plaintiff will be required to serve his initial disclosures on defendant and discovery will begin. The filing of an answer will also trigger this Court to enter a scheduling order which will control the course of discovery. The Court DENIES plaintiff's motion to prematurely start discovery.

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

Date: August 6, 2026

Sima G. Patel
Judge, Court of Claims