STATE OF MICHIGAN

COURT OF CLAIMS

JENNIFER KEENAN and all those similarly situated,

Plaintiffs,

v

Case No. 25-000127-MZ

STATE OF MICHIGAN and MICHIGAN BUREAU OF STATE LOTTERY (aka MICHIGAN LOTTERY),

Hon. Brock A. Swartzle

Defendants.
_____ /

ORDER GRANTING PLAINTIFFS' MOTION TO FILE FIRST-AMENDED COMPLAINT AND DENYING DEFENDANTS' MOTION TO STRIKE AND MOTION FOR SUMMARY DISPOSITION AS MOOT

Plaintiffs sued defendants on August 4, 2025 in a two-count complaint. The following day, plaintiffs filed a corrected complaint to correct an error. On August 27, 2025, defendants moved to strike the corrected complaint under MCR 2.115(1)(b) because plaintiffs did not move for leave to amend the complaint as required by MCR 2.118. Defendants acknowledge that the original and corrected complaints are substantially similar. Concurrently with the motion to strike, defendants moved for summary disposition of the original complaint, or the corrected complaint if the Court denied the motion to strike, under MCR 2.116(C)(4), (7), and (8).

On August 29, 2025, plaintiffs moved for leave to file a first-amended complaint and filed a proposed first-amended complaint that includes additional factual allegations and asserts additional claims. Defendants did not concur in the motion. MCR 2.118(A)(2) provides that

"leave shall be freely given when justice so requires." For the reasons stated in plaintiffs' motion, the Court GRANTS the motion. The Court accepts plaintiffs' first-amended complaint for filing.

In light of the filing of the first-amended complaint, defendants' motion to strike is DENIED as MOOT, and defendants' motion for summary disposition is DENIED as MOOT.

Defendants are ordered to respond to plaintiffs' first-amended complaint, either by answer of by motion for summary disposition, within 21 days of the date of this order.

IT IS SO ORDERED. This is not a final order and does not close the case.

Date: September 4, 2025

Hon. Brock A. Swartzle
Chief Judge, Court of Claims