STATE OF MICHIGAN

COURT OF CLAIMS

CHARITY STANER,

Plaintiff,

v

Case No. 25-000130-MZ

Hon. Sima G. Patel

MICHIGAN MEDICINE, REGENTS OF THE UNIVERSITY OF MICHIGAN, DIONDRA CHEATHAM, Michigan Medicine Clinic Associate Manager, JAZMIN WHITE, Michigan Medicine Administrative Manager, and KEVIN LINDSEY, Michigan Medicine Human Resources Representative, in their individual and official capacities,

Defendants.
_____ /

OPINION AND ORDER GRANTING IN PART DEFENDANTS' 8/8/25 MOTION FOR SUMMARY DISPOSITION

Defendants seek summary dismissal of plaintiff's complaint, contending that (1) plaintiff was required to file notice of her claim within six months of its accrual under MCL 600.6431(4), but did not file her notice of intent (NOI) for nine months; (2) plaintiff failed to identify her claim under the Persons with Disabilities Civil Rights Act (PWDCRA) in her NOI, requiring its dismissal; and (3) plaintiff's claim under the Family Medical Leave Act (FMLA), 29 USC 2601 *et seq*., was barred by the Eleventh Amendment. The Court GRANTS defendants' motion to dismiss plaintiff's challenge under the PWDCRA but DENIES defendants' motion in all other regards.

I. BACKGROUND

Plaintiff was employed at Michigan Medicine from 2017 through 2023. During her tenure, plaintiff took leaves of absence under the FMLA due to bouts of anxiety and depression. A representative of Michigan Medicine approved an FMLA request on November 2, 2023. The next day, however, defendants terminated plaintiff from her position because of her absences.

Nine months later, on August 8, 2024, plaintiff filed an NOI to file suit against defendants. Plaintiff described, "This is an action to enforce civil rights arising out of Plaintiff's employment relationship with Defendants." Plaintiff alleged that she suffered from anxiety and depression and "occasionally took approved intermittent FMLA time off work to cope with her medical condition" at the direction of her doctor and in accordance with defendants' FMLA policy. Although plaintiff's FMLA leave was approved on November 2, 2023, the named individual defendants determined to terminate plaintiff's employment the next day. Plaintiff indicated her intent to "bring[] this action for discrimination and retaliation under the [FMLA]." Plaintiff asserted she was terminated in retaliation for exercising her FMLA rights, and that defendants intentionally discriminated and retaliated against her for exercising her rights under the FMLA.

II. TIMELINESS OF NOTICE

Defendants first contend that plaintiff's complaint must be dismissed because she raised a claim of personal injury and failed to file her NOI within six months as required under MCL 600.6431(4).

MCL 600.6431(1) requires a plaintiff to file with the clerk of the Court of Claims "within 1 year after the action has accrued" "either a written claim or a written notice of intention to file a

claim." For a claim of property damage or personal injury, a plaintiff must file the claim or notice "within 6 months after the event that gives rise to the claim." MCL 600.6431(4). This time requirement is a condition precedent to "successfully expose the defendant state agencies to liability." *Fairley v Dep't of Corrections*, 497 Mich 290, 298; 871 NW2d 129 (2015). Failure to meet this condition precedent requires dismissal of an action. *Id*. at 300.

Defendants contend that plaintiff's claims are subject to the shorter notice period applicable to claims of personal injury. The Court of Appeals recently held, although in an unpublished opinion, that the six-month notice period for personal injury claims requires a claim raising some type of physical harm. *Chiravuri v Univ of Mich*, unpublished opinion of the Court of Appeals, issued September 11, 2025 (Docket No. 373389), slip op at 5-6. Termination from one's employment is not a physical harm. Accordingly, plaintiff was required to file her NOI within one year of her termination, or by November 3, 2024. Plaintiff's August 8, 2024 NOI was timely filed.

III. CONTENTS OF NOI

Plaintiff filed suit in the circuit court on May 28, 2025, and her suit was later transferred to this Court. Plaintiff raised two counts of being terminated out of discrimination and retaliation: one under the FMLA and the other under the PWDCRA. Defendants contend that plaintiff's claim under the PWDCRA must be dismissed because she failed to provide notice of that claim in her NOI.

MCL 600.6431(2) provides that a plaintiff's claim or NOI must be filed within one year of the accrual of a claim and "must contain all of the following":

(a) A statement of the time when and the place where the claim arose.

(b) A detailed statement of the nature of the claim and of the items of damage alleged or claimed to have been sustained.

(c) A designation of any department, commission, board, institution, arm, or agency of the state involved in connection with the claim.

(d) A signature and verification by the claimant before an officer authorized to administer oaths.

Defendants' motion contends that plaintiff failed to provide a detailed statement of the nature of the PWDCRA claim in her NOI. Although plaintiff asserted that she had been discriminated and retaliated against in violation of the FMLA, she made no mention of the PWDCRA and did not state that she was terminated as the result of a disability. Defendants correctly posit that plaintiff's claim must be dismissed in that regard.

IV. ELEVENTH AMENDMENT

Finally, defendants contend that they enjoy immunity under US Const, Am XI from plaintiff's FMLA claim. Defendants admit that this argument runs contrary to *McKenzie v Dep't of Corrections*, 332 Mich App 289; 957 NW2d 341 (2020), but contend that *McKenzie* was wrongly decided. This Court is bound by *McKenzie* and may not reconsider the binding precedent of a higher, appellate court. MCR 7.215(C)(2). Accordingly, the Court denies defendant's motion for summary disposition in this regard.

IT IS ORDERED:

1. The Court GRANTS IN PART and DENIES IN PART defendants' motion for summary disposition.

2. The Court DISMISSES plaintiff's claim raised under the PWDCRA.

3. The Court DIRECTS defendants to file an answer to plaintiff's complaint under the FMLA alone no later than Friday, March 6, 2026.

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

Date: February 9, 2026

Sima G. Patel
Judge, Court of Claims