STATE OF MICHIGAN

COURT OF CLAIMS

JERROLL SANDERS,

Plaintiff,

v

Case No. 25-000132-MZ

STATE OF MICHIGAN,

Hon. James Robert Redford

Defendant.
_____ /

OPINION AND ORDER GRANTING DEFENDANT'S 12/8/25 MOTION FOR SUMMARY DISPOSITION AND DENYING PLAINTIFF'S 10/2/25 MOTION FOR DISCOVERY

Plaintiff, Jerroll Sanders, brought this action against the State of Michigan under the Elliott-Larsen Civil Rights Act, claiming the State, through the probate court system and related agencies, has systematically deprived competent elderly Michigan residents, including her parents, of their right to manage their own affairs by forcing them into unnecessary guardianships and conservatorships. The State responded with a motion seeking summary disposition on several grounds. The Court GRANTS that motion and DISMISSES plaintiff's action in its entirety. As such, the Court also DENIES plaintiff's motion to conduct discovery.

I. LACK OF TIMELY NOTICE

The State contends that plaintiff's complaint must be dismissed because notice was not provided in the time required by the Court of Claims Act (COCA). The requirements of the COCA are conditions precedent to "successfully expose the defendant state agencies to liability," *Fairley*

v Dep't of Corrections, 497 Mich 290, 298; 871 NW2d 129 (2015), and the failure to comply with the notice and verification requirements mandates dismissal of the case, *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 68; 993 NW2d 392 (2023).

The claims raised in this matter accrued on June 6, 2024, when the Wayne County Probate Court appointed Family Options Services as the guardian of plaintiff's parents. Plaintiff did not file a notice of intent[1] and did not file her initial complaint until August 11, 2025. MCL 600.6431(1) of the COCA provides that "a claim may not be maintained against this state unless the claimant, within 1 year after the claim has accrued, files in the office of the clerk of the court of claims either a written claim or a written notice of intention to file a claim." Plaintiff's complaint, the first notice of her action, was filed more than 14 months after her claims accrued. Because plaintiff did not timely file a notice of intent or complaint, the Court must dismiss her action.

II. LACK OF STANDING

The State further contends that the claims raised in this action belong to plaintiff's parents and plaintiff, as a lay person, could not raise the claims on her parents' behalves. Individuals in Michigan have the constitutional right to represent themselves in legal actions. Const 1963, art 1, § 13. Nonlawyers may not, however, bring an action on another's behalf. *Shenkman v Bragman*, 261 Mich App 412, 416; 682 NW2d 516 (2004).

[1] In her response to the motion for summary disposition, plaintiff contended that she filed a notice of intent and purported to attach it as Exhibit 2 to the motion. Exhibit 2 provided to the Court by plaintiff is a probate court order, not a notice of intent to file suit in the Court of Claims. Exhibit 1 is simply the verification page from plaintiff's amended complaint, filed in response to this Court's Order to Show Cause on August 14, 2025.

Plaintiff contended that she was personally harmed by the loss "of her familial associations, caregiving rights, and legal authority as durable and medical power of attorney." She also contended that she is a senior citizen and the State discriminated against her based on her age. The harms plaintiff alleged actually belong to her parents. The claims challenged the State's interference with her parents' ability to make their own decisions. Indeed, plaintiff's claim of personal discrimination derives from "her opposition to age discrimination in guardianship and conservatorship" of her elderly parents. This action belongs to plaintiff's parents, not her, and as plaintiff is not an attorney, she could not legally raise these claims on her parents' behalves. This too supports dismissal of plaintiff's complaint.

III. COLLATERAL ATTACK

The State next contended that this suit is an improper collateral attack on the Wayne County Probate Court's orders of guardianship related to plaintiff's parents. Plaintiff challenged the probate court order designating a third-party entity as the guardian of her parents. Plaintiff also challenged the actions taken during that proceeding. She essentially contended that the guardianship was improperly entered. Plaintiff also contended that the probate court lost jurisdiction when temporary guardianship orders were not properly renewed.

These activities and orders could only be challenged in the probate court action or on direct appeal. "It is well established in Michigan that, assuming competent jurisdiction, a party cannot use a second proceeding to attack a tribunal's decision in a previous proceeding." *Dir, Workers' Compensation Agency v MacDonald's Indus Prods, Inc*, 305 Mich App 460, 474; 853 NW2d 467 (2014). Plaintiff has filed a new action to challenge the probate court proceedings. This is an impermissible collateral attack that must be dismissed.

IV. FAILURE TO STATE A VIABLE CLAIM

Finally, the State asserted that it is entitled to summary disposition under MCR 2.116(C)(8), failure to state a viable claim, on several grounds.

> A motion under MCR 2.116(C)(8) tests the *legal sufficiency* of a claim based on the factual allegations in the complaint. When considering such a motion, a trial court must accept all factual allegations as true, deciding the motion on the pleadings alone. A motion under MCR 2.116(C)(8) may only be granted when a claim is so clearly unenforceable that no factual development could possibly justify recovery. [*El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159-160; 934 NW2d 665 (2019) (quotation marks and citations omitted).]

A. FAILURE TO ALLEGE MINISTERIAL DUTY

In Count 1, plaintiff alleged that the State had a ministerial duty "to protect vulnerable adults from abuse, neglect, and exploitation." In Count 4, plaintiff alleged that Adult Protective Services (APS), an arm of the State, had a ministerial duty to "refer credible allegations of judicial abuse to" the Michigan Judicial Tenure Commission and in Count 5, that APS had a ministerial duty to investigate claims of elder abuse and to intervene in probate actions to "halt abusive guardianship proceedings."

Although plaintiff did not expressly seek a writ of mandamus, plaintiff implicated that form of relief by requesting the Court to order the State to perform ministerial duties. "Mandamus is not a matter of right, but rather one of grace. . . and of discretion." *Toan v McGinn*, 271 Mich 28, 33; 260 NW 108 (1935).

> To obtain the extraordinary remedy of a writ of mandamus, the plaintiff must show that: (1) the plaintiff has a clear, legal right to performance of the specific duty sought, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial, and (4) no other adequate legal or equitable remedy exists that might achieve the same result. [*Rental Props Owners Ass'n v Kent Co Treasurer*, 308 Mich App 498, 518; 866 NW2d 817 (2014).]

"A ministerial act is one in which the law prescribes and defines the duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment." *Hillsdale Co Senior Servs v Hillsdale Co*, 494 Mich 46 n 11; 832 NW2d 728 (2013) (quotation marks and citation omitted).

Plaintiff did not cite any statutes or court rules directing the ministerial duties she alleged in her complaint. She did not identify the individuals who were required to engage in the alleged ministerial duties. In her summary disposition response, plaintiff asserted that she "identifies clear ministerial duties imposed by statute and court rule," again without citing any statute or court rule. It is not the duty of the Court to find support for plaintiff's claims. See, e.g., *Mudge v Macomb Co*, 458 Mich 87, 105; 580 NW2d 845 (1998). On this record, plaintiff failed to state any viable claim for mandamus relief.

B. DECLARATORY JUDGMENT

Plaintiff further sought a declaratory judgment that 1) the State discriminated against plaintiff based on her age and in retaliation of her advocacy on behalf of her parents' rights, and 2) the State either maintains or tolerates discriminatory practices to force competent elderly persons into guardianships and conservatorships. Because the rights alleged by plaintiff actually belong to her parents, as noted above, plaintiff may not seek declaratory relief on her own behalf. Accordingly, plaintiff also has not stated a viable claim in this regard.

V. CONCLUSION

1. The Court GRANTS defendant's December 8, 2025 motion for summary disposition.

2. The Court DISMISSES plaintiff's complaint in its entirety and with prejudice.

3. Because the Court dismisses this action in its entirety, the Court DENIES plaintiff's October 3, 2025 motion to conduct discovery.

4. This is a final order resolving all issues in this case.

IT IS SO ORDERED.

Date: January 26th, 2026

James Robert Redford
Judge, Court of Claims

