STATE OF MICHIGAN

COURT OF CLAIMS

JEFFREY CRUSE d/b/a CLEAN CUT MANAGEMENT COMPANY, and RICHARD CARPENTER, for themselves and all those similarly situated,

Plaintiffs,

v

Case No. 25-000134-MB

36TH DISTRICT COURT,

Hon. James Robert Redford

Defendant.
_____/

OPINION AND ORDER GRANTING DEFENDANT'S 11/17/25 MOTION FOR SUMMARY DISPOSITION

Plaintiffs originally brought this action against several defendants to challenge the withholding of funds in escrow intended to be distributed to landlords for damages suffered during the COVID-19 eviction moratorium. The Court dismissed plaintiffs' claims against nonstate entities for lack of jurisdiction on August 14, 2025. Plaintiffs voluntarily dismissed their claims against the Michigan State Housing Development Authority without prejudice on August 27, 2025. The sole remaining defendant, the 36th District Court, seeks summary disposition under MCR 2.116(C)(4), (5), (7), and (8).

Summary disposition must be granted under MCR 2.116(C)(4) when a court lacks subject matter jurisdiction over the proceeding. Plaintiffs raised four counts in their second amended complaint. Each count challenges the propriety of the 36th District Court's retention of funds in

escrow and seeks to compel the release of those funds. Accordingly, the gravamen of all four counts is an action for superintending control over the district court. The parties agree that this Court lacks subject matter jurisdiction to consider a claim for superintending control over the 36th District Court. See MCR 3.302. The Court agrees.

The 36th District Court urges this Court to consider the other grounds it raises in support of summary disposition, find that summary disposition is also warranted on the merits, and dismiss this action with prejudice. Absent subject matter jurisdiction, however, the Court lacks power to hear the case and any substantive ruling entered by the Court would be void. See *Clohset v No Name Corp*, 302 Mich App 550, 561; 840 NW2d 375 (2013); *Altman v Nelson*, 197 Mich App 467, 472; 495 NW2d 826 (1992). Accordingly,

1. The Court GRANTS defendant's motion for summary disposition under MCR 2.116(C)(4).
2. The Court DISMISSES plaintiffs' complaint in its entirety and without prejudice to plaintiffs filing suit in a court of competent jurisdiction.
3. This is a final order resolving all issues in this case.

Date: April 21, 2026

James Robert Redford
Judge, Court of Claims