STATE OF MICHIGAN

COURT OF CLAIMS

VINCE BURGESS,

Plaintiff,

v Case No. 25-000145-MM

MICHIGAN DEPARTMENT OF CIVIL RIGHTS, Hon. James Robert Redford

Defendant.
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ORDER DENYING PLAINTIFF'S 11/12/25 EMERGENCY MOTION FOR RECONSIDERATION BUT GRANTING MOTION TO EXTEND SUMMONS

On November 12, 2025, plaintiff moved for reconsideration of this Court's November 10, 2025 order denying his motion for alternative service. To support a motion for reconsideration under MCR 2.119(F)(3), "The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error." Plaintiff has not demonstrated a palpable error and the Court DENIES the motion for reconsideration. However, the Court GRANTS plaintiff's motion to extend the summons and reissues the summons for an additional 30 days, expiring on January 3, 2026.

On October 30, 2025, plaintiff moved to serve defendant via first-class mail. Plaintiff attested that he attempted service by certified mail return receipt requested in this action, as well as in prior related suits, but the mail was returned as undelivered or was lost in a state mailroom. On the third page of the motion, and tethered to no other allegations, plaintiff asserted, "Due to the

proven failure of . . . process server for technical and logistical reasons," first-class mail was the manner most reasonably calculated to effectuate service.

Plaintiff now contends that the Court erred in denying his motion for alternative service because he had not alleged that he attempted personal service. However, the information provided in the motion for reconsideration regarding plaintiff's use of a process server in this case was not included in the original motion for alternative service. And plaintiff has provided no documentation to support any of his claims, including that a process server was turned away due to the lack of an authorized agent at the address in question. Similarly, the Court has found only two prior cases filed by plaintiff in the Court of Claims against other state defendants, and in those cases, plaintiff successfully effectuated service by certified mail return receipt requested. On the other hand, contrary to plaintiff's contentions, the Court found no prior suit filed by plaintiff against this defendant in this Court.

Plaintiff also contends that the Court erred in stating that plaintiff could effectuate service personally because of the proximity of his listed address to defendant's identified address. Plaintiff now contends that he does not reside at the address provided and is homeless. Plaintiff does not identify where he regularly stays to explain why personal service is not feasible.

Accordingly, the Court DENIES plaintiff's motion for alternative service. The Court GRANTS plaintiff's motion to extend the summons. The Court REISSUES the summons for an additional 30 days, to expire on January 3, 2026. This is not a final order.

Date: November 13, 2025

James Robert Redford
Judge, Court of Claims