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.

_____/

OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

On April 24, 2026, the Court denied plaintiff's motion to disqualify defense counsel and granted defendant's motion for summary disposition. Plaintiff seeks reconsideration but has not established any palpable error. Accordingly, the Court DENIES plaintiff's motion.

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." A "palpable error" is one that is "easily perceptible, plain, obvious, readily visible, noticeable, patent, distinct, manifest." *Estate of Luckow v Luckow*, 291 Mich App 417, 426; 805 NW2d 453 (2011) (cleaned up).

Plaintiff argues that his diagnosis of psychotic disorder tolled the statute of limitations for his claim. This case does not involve a statute of limitations issue, but rather, a notification period issue. In any event, the evidence shows that a psychiatrist discharged plaintiff from care on

February 24, 2020. Plaintiff presented a report to the circuit court dated August 3, 2021, opining that plaintiff was incompetent to stand trial at that time. Plaintiff was released from the mental health unit at Macomb County Jail on November 22, 2021. Plaintiff has presented no evidence regarding his mental health in the nearly four years between his jail release and the filing of the current action. Despite his alleged disability, plaintiff was able to file complaints with defendant. Plaintiff has not supported that he continued to be so disabled that he could not timely file notice of his challenges to defendant's dismissal of those complaints. Accordingly, plaintiff has not established that the Court erred in dismissing plaintiff's claims stemming from MDCR Case #620850.

Further, plaintiff has made no argument in relation to the Court's conclusion that plaintiff failed to state a valid claim in relation to MDCR Case #625964.

And although plaintiff contends defense counsel committed fraud on the Court by referring to plaintiff's claims as "vague" given her knowledge of the complaints plaintiff previously filed with defendant, plaintiff has failed to present any evidence of counsel's knowledge beyond the March 24, 2022 e-mail that this Court has already found insufficient. This is inadequate to support plaintiff's motion for reconsideration of the denial of his motion to disqualify defense counsel.

1. The Court DENIES plaintiff's motion for reconsideration.
2. This is a final order resolving all issues in this case.

Date: April 27th, 2026

James Robert Redford
Judge, Court of Claims