STATE OF MICHIGAN

COURT OF CLAIMS

JANE DOE 1, JANE DOE 3, and JANE DOE 5–11,

Plaintiffs,

v

Case No. 25-000155-MZ

Hon. Randy J. Wallace

UNIVERSITY OF MICHIGAN and THE REGENTS OF THE UNIVERSITY OF MICHIGAN,

Defendants.
_____ /

OPINION AND ORDER GRANTING DEFENDANTS' UNCONTESTED MOTION FOR SUMMARY DISPOSITION

In this putative class-action lawsuit arising from allegations of unauthorized access to personal identifying information and personal health information, defendants—the University of Michigan and the Regents of the University of Michigan (collectively, the University)—moved for summary disposition under MCR 2.116(C)(4), (7), and (8) in lieu of answering the complaint. Plaintiffs did not file a response to the motion, rendering the motion uncontested under Court of Claims LCR 2.119(C)(3). Because plaintiffs did not file a timely claim or notice of intent under MCL 600.6431, the Court GRANTS the University's uncontested motion under MCR 2.116(C)(7) and DISMISSES plaintiffs' complaint WITH PREJUDICE.

Plaintiffs, Jane Doe 1, Jane Doe 3, and Jane Doe 5–11, are former university students, the majority of whom were student athletes at the University of Michigan or other universities.[1] Their claims against the University arise from conduct on the part of Matthew Weiss, a former assistant football coach for the University. The University employed Weiss from February 2021 until January 20, 2023.

Plaintiffs allege that between December 21, 2022 and December 23, 2022, Weiss gained unauthorized access to private videos and photographs of students (primarily female student athletes) using University computers and while on the University's campus. Plaintiffs assert that they are victims of Weiss's activities and represent a class of victims, although this Court has not yet considered whether to certify a class.

Plaintiffs allege that the University learned of the incident shortly after it occurred but nevertheless permitted Weiss to coach in the 2022 Fiesta Bowl on December 31, 2022. The University placed Weiss on paid leave on January 17, 2023, and terminated his employment on January 20, 2023.

In a letter mailed in February 2023, the University informed plaintiffs and other impacted individuals that there was a "flaw" in the University's computer network, causing a compromise of private data. The letter provided, in relevant part:

> In late December 2022, potentially unauthorized activity in your U-M Google account was identified. As part of the U-M cybersecurity team's investigation, they discovered that a threat actor manipulated a flaw in self-service password-recovery ("Forgot password") to change your password and gain

[1] Two of the plaintiffs were student athletes at the University of Michigan. One of the plaintiffs was not a student athlete but alleges she was also a victim of Weiss's activities. The remaining plaintiffs were student athletes at other universities.

> unauthorized access to your U-M Google account. These findings were escalated to UMPD, which subsequently launched a criminal investigation.

The letter stated that "it appears that the threat actor gained unauthorized access to some of your accounts and/or data." The letter explained that the threat actor accessed U-M Google account settings and may have changed those settings. The letter stated that the threat actor was able to use the information in the account to access personal information such as online banking information, social media information, and information about password management. The letter outlined the steps the University took to remedy the situation, including issuing new passwords as of December 23, 2022. The letter advised plaintiffs on further steps they should take to secure their accounts and private information. Finally, the letter offered free identity theft protection for one year. Plaintiffs note in their complaint that the letter did not identify Weiss as the perpetrator. Plaintiffs assert that they received the letter in March 2023.

In March 2025, Weiss was indicted on federal criminal charges arising from the unauthorized access of account information. On or about March 27, 2025, the Department of Justice contacted plaintiffs via e-mail, informing them that a federal case was pending against Weiss and that they were victims of Weiss's unauthorized account access.

Plaintiffs filed this putative class-action lawsuit on September 22, 2025. They did not file a notice of intent before filing the complaint. Plaintiffs raised a variety of constitutional, statutory, tort, and contract-based claims in their complaint. At the outset of the case, on April 7, 2026, the University moved for summary disposition, arguing, in relevant part, that each of plaintiffs' claims were barred by either the six-month or one-year notice period in the Court of Claims Act, MCL 600.6431(1) and (4), depending on the type of claim. The University argues that plaintiffs' claims accrued in December 2022, which is when Weiss accessed plaintiffs' private account information.

The University argues that this event was the "wrong" on which plaintiffs' claims are based because this was the event that compromised plaintiffs' privacy. The University argues that, at the very latest, plaintiffs' claims accrued when the University provided notice of the unauthorized access in February 2023. Thus, the University argues that plaintiffs' claims are barred by governmental immunity because plaintiffs did not file a notice of intent at any point and did not file a written claim until September 2025, over two years after the claim accrued. The University recognizes that plaintiffs assert that they received the notice in March 2023 but argues that the one-month difference is immaterial for purposes of MCL 600.6431.

Under Court of Claims LCR 2.119(C)(2), plaintiffs had 14 days to respond to the motion for summary disposition. Their response was due on April 21, 2026. Plaintiffs did not file a response to defendants' dispositive motion. Because no response was filed, the Court considers the motion for summary disposition uncontested. See LCR 2.119(C)(3).

The University moved for summary disposition under MCR 2.116(C)(4), (7), and (8). Because the Court concludes that plaintiffs did not provide timely notice of their claims under MCL 600.6431, the Court will analyze the motion under MCR 2.116(C)(7). Summary disposition under MCR 2.116(C)(7) is granted when the plaintiff's claims are barred by immunity granted by law. *Milot v Dep't of Transp*, 318 Mich App 272, 275; 897 NW2d 248 (2016).

> When reviewing a motion under MCR 2.116(C)(7), [the Court] must accept all well-pleaded factual allegations as true and construe them in favor of the plaintiff, unless other evidence contradicts them. If any affidavits, depositions, admissions, or other documentary evidence are submitted, the court must consider them to determine whether there is a genuine issue of material fact. If no facts are in dispute, and if reasonable minds could not differ regarding the legal effect of those facts, the question whether the claim is barred is an issue of law for the court. However, if a question of fact exists to the extent that factual development could provide a basis for recovery, dismissal is inappropriate. [*Dextrom v Wexford Co*, 287 Mich App 406, 428; 789 NW2d 211 (2010) (citations omitted).]

MCL 600.6431 provides, in relevant part:

> (1) Except as otherwise provided in this section, 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 against this state or any of its departments, commissions, boards, institutions, arms, or agencies.
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> (4) For a claim against this state for property damage or personal injuries, the claimant shall file the claim or notice under subsection (1) with the clerk of the court of claims within 6 months after the event that gives rise to the claim. [MCL 600.6431(1) and (4).]

MCL 600.6431 places a notice requirement on a plaintiff's ability to circumvent governmental immunity and bring suit against a state entity. See *McCahan v Brennan*, 492 Mich 730, 736; 822 NW2d 747 (2012). Plaintiffs must follow the conditions outlined in MCL 600.6431 " 'to successfully expose the defendant . . . to liability.' " *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 72-73; 993 NW2d 392 (2023) (citation omitted). Thus, MCL 600.6431 creates a condition precedent to suing a state entity in this Court. *Fairley v Dep't of Corrections*, 497 Mich 290, 292; 871 NW2d 129 (2015). When the condition is not met, the claim cannot proceed. *Id*.

The University argues in its uncontested motion that plaintiffs have not satisfied the notice requirements in MCL 600.6431 to overcome application of governmental immunity. The Court need not distinguish which claims fall under the one-year notice period in MCL 600.6431(1) and which claims fall under the six-month notice period in MCL 600.6431(4). Even if the one-year notice period applies to every claim, a written claim or notice of intent was *not* filed within one year of accrual. MCL 600.5827 provides that, with limited exceptions, "the claim accrues at the time the wrong upon which the claim is based was done regardless of the time when damage results." The statute refers to " 'the date on which the defendant's breach harmed the plaintiff, as opposed to the date on which defendant breached his duty.' " *Mays v Governor*, 506 Mich 157,

182; 954 NW2d 139 (2020) (opinion by BERNSTEIN, J.), quoting *Frank v Linkner*, 500 Mich 133, 147; 894 NW2d 574 (2017). The Court agrees with the University that the basis of each claim is an alleged invasion of plaintiffs' privacy. An invasion of privacy claim accrues "when the curtain of privacy is lifted." *Arent v Hatch*, 133 Mich App 700, 705; 349 NW2d 536 (1984) (quotation marks and citation omitted).

Plaintiffs' claims arise from unauthorized access to university Google accounts. The wrong on which plaintiffs base their lawsuit is the unauthorized access, which occurred in December 2022. Even assuming plaintiffs' claims did not accrue until March 2023 (when plaintiffs indicate they received the February 2023 letter from the University notifying them of the data breach), plaintiffs did not file a notice of intent or a written claim within one year of this event. The letter informed plaintiffs that unauthorized access occurred (i.e., that the curtain of privacy was lifted), that the access may have been criminal in nature, and that steps had been taken to protect the affected individuals. Plaintiffs did not file their written claim until more than two years after accrual. Accordingly, plaintiffs' claims were not filed within the one-year or six-month notice periods outlined in MCL 600.6431(1) and (4).[2] Plaintiffs have not met the requirements of MCL 600.6431, which is a condition precedent to suing in this Court. Therefore, the Court

[2] This Court's ruling aligns with the recent decision in *Jane Doe 10 v Univ of Mich*, Court of Claims Case No. 25-000075-MZ, which was another putative class-action lawsuit that arose from the same incident. In that matter, Judge YATES granted the University's motion for summary disposition under MCR 2.116(C)(7), reasoning that the plaintiff's May 6, 2025 complaint was not filed within the one-year notice period under MCL 600.6431 because the plaintiff's claims accrued no later than February 2023, when the University sent the plaintiff the same notification letter that was provided to the plaintiffs in this case. *Jane Doe 10 v Univ of Mich*, opinion and order of the Court of Claims, issued April 23, 2026 (Case No. 25-000075-MZ), pp 5-6.

GRANTS the University's motion for summary disposition under MCR 2.116(C)(7) and DISMISSES the complaint WITH PREJUDICE.

IT IS SO ORDERED. This order resolves the last pending claim and closes the case.

Date: August 26, 2026

Hon. Randy J. Wallace
Judge, Court of Claims