STATE OF MICHIGAN

COURT OF CLAIMS

BRIGETTE MCGOWAN,

Plaintiff,

v Case No. 25-000170-MZ

UNIVERSITY OF MICHIGAN, Hon. Michael F. Gadola

Defendant.
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OPINION AND ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY DISPOSITION

Defendant terminated plaintiff's employment on January 31, 2024. On November 14, 2025, plaintiff sued defendant, alleging violations of the Americans with Disability Act, 42 USC 12101 *et seq*., the Family Medical Leave Act, 29 USC 2601 *et seq*., breach of contract, and termination of employment in violation of public policy.[1] Defendant moved for summary disposition of plaintiff's complaint under MCR 2.116(C)(7). The Court GRANTS defendant's motion and DISMISSES this case because plaintiff failed to file a notice of intent or a claim within one year of the accrual of her claims as required by MCL 600.6431(1) of the Court of Claims Act, MCL 600.6401 *et seq*. Because the Court must dismiss on this ground, the Court will not address defendant's remaining ground for summary disposition.

[1] Plaintiff also filed a lawsuit against defendant in federal district court in December 2024 that raised these same claims. That lawsuit was dismissed in November 2025.

Plaintiff has not responded to defendant's motion for summary disposition. Court of Claims LCR 2.119(C)(2) clearly states, in relevant part: "Unless a different period is set by these rules or by the court for good cause, any response to a motion (including a brief or affidavits) required by or permitted by these rules must be filed with the court and served within 14 days after the date of filing as it appears in the title of the motion and in accordance with MCR 2.107." The court rule goes on to provide in LCR 2.119(C)(3): "The failure to file a response to a written motion will result in the treatment of the motion as uncontested."

Defendant argues that plaintiff failed to comply with the notice requirements of MCL 600.6431(1). Under MCL 600.6431(1), "a claim may not be maintained against this state unless the claimant, within 1 year after the claim has accrued," files "either a written claim or a written notice of intention to file a claim" against the state. A claim accrues "at the time the wrong upon which the claim is based was done regardless of the time when damage results." *Scherer v Hellstrom*, 270 Mich App 458, 463; 716 NW2d 307 (2006), quoting MCL 600.5827. Thus, to determine when a claim accrued, it is necessary to determine the date on which plaintiff first incurred the harm she asserts; the relevant harms for that purpose are the actionable harms alleged in a plaintiff's cause of action. *Frank v Linkner*, 500 Mich 133, 150; 894 NW2d 574 (2017).

All the actions described in plaintiff's complaint occurred before the termination of her employment on January 31, 2024. At the latest, plaintiff was harmed, and her claims accrued, when defendant terminated her employment. Plaintiff, having failed to file a notice or claim within one year of the accrual of her claims, clearly failed to comply with the notice requirements of MCL 600.6431(1). The Court is required to dismiss the complaint. *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 68, 75; 993 NW2d 392 (2023). The Court therefore GRANTS defendant's motion for summary disposition and DISMISSES the case.

IT IS SO ORDERED. This is a final order that resolves the last pending claim and closes the case.

Date: March 18, 2026

Hon. Michael F. Gadola
Chief Judge, Court of Claims