STATE OF MICHIGAN

COURT OF CLAIMS

CONNIELY RAY PHILLIPS,

Plaintiff,

v Case No. 25-000174-MZ

MICHIGAN STATE POLICE DEPARTMENT, Hon. Sima G. Patel

Defendant.
_____ /

OPINION AND ORDER GRANTING DEFENDANTS' 1/23/26 MOTION FOR SUMMARY DISPOSITION

Plaintiff was injured in a motor vehicle accident on November 9, 2024. Because plaintiff's claims are for personal injuries and property damage, he was required to file a claim or notice of intent (NOI) within six months of the claim's accrual, or by May 9, 2025, under MCL 600.6431(1) and (4) of the Court of Claims Act (COCA). Plaintiff filed his NOI and initial complaint on November 7, 2025, two days short of one year after his claim's accrual. Plaintiff filed an amended, verified complaint on November 25, 2025.

Defendant moved for summary disposition on February 20, 2026, under MCR 2.116(C)(7) based on plaintiff's failure to timely comply with the notice requirements of the COCA. Plaintiff retorted that he filed his claim within one year of the accident consistent with MCL 600.6431(1). Plaintiff does not respond to defendant's assertion that because plaintiff's claims sound in personal injury or property damage, he was required to filed notice of his claim within six months under MCL 600.6431(4). Plaintiff also cited overruled caselaw holding that to support dismissal, a

defendant must establish prejudice as a result of nonconforming notice. Failure to file a timely NOI or claim requires dismissal regardless of prejudice. *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 73-64; 993 NW2d 392 (2023).

The requirements of the COCA are conditions precedent to "successfully expose the defendant state agencies to liability," *Fairley v Dep't of Corrections*, 497 Mich 290, 298; 871 NW2d 129 (2015), and the failure to comply with the notice and verification requirements mandates dismissal of the case, *Elia Cos, LLC*, 511 Mich at 68. Plaintiff did not file a COCA-compliant notice or claim within six months of accrual. Accordingly, plaintiff did not properly invoke this Court's jurisdiction to hear her claim.

The Court GRANTS defendant's motion for summary disposition and DISMISSES plaintiff's complaint with prejudice. This is a final order resolving all issues in this case.

Date: March 10, 2026

Sima G. Patel
Judge, Court of Claims