STATE OF MICHIGAN

COURT OF CLAIMS

MACOMB INTERMEDIATE SCHOOL DISTRICT et al,

Plaintiffs,

v

Case No. 25-000175-MZ

STATE OF MICHIGAN, MICHIGAN DEPARTMENT OF EDUCATION, and STATE SUPERINTENDENT FOR PUBLIC INSTRUCTION, in her official capacity,

Hon. Sima G. Patel

Defendants.
_____ /

OPINION AND ORDER DENYING MOTION TO SHOW CAUSE AND TO HOLD DEFENDANTS IN CONTEMPT, AND RECLOSING THE CASE

On November 21, 2025, the Court entered a stipulated order that permitted school districts to rescind their decision to opt-in to funding under MCL 388.1631aa(9) no later than 11:59 p.m. on December 30, 2025. Plaintiffs contend that defendants refused to honor the recission decision "of an unknown number of schools" in violation of this order. Plaintiffs have identified only one school district—Algonac Community Schools—whose recission decision was allegedly not honored. That any other districts were denied the opportunity to rescind their opt-in is speculation and conjecture.

On December 17, 2025, the Court denied plaintiffs' motion for summary disposition and granted summary disposition in favor of defendants, resolving and closing this dispute. Plaintiffs appealed to the Court of Appeals, which affirmed the December 17, 2025 order on April 10, 2026.

In the meantime, on April 3, 2026, plaintiffs filed an emergency motion to reopen this case and an emergency motion to show cause why defendants should not be held in contempt for violating the November 21, 2025 order. The Court granted the motion to reopen the case for the limited purpose of addressing plaintiff's motion to show cause. The Court now DENIES the motion to show cause and to hold defendants in contempt and RECLOSES this case.

> A trial court has inherent and statutory authority to enforce its orders. MCL 600.611; MCL 600.1711; MCL 600.1715. In civil contempt proceedings, a trial court employs its contempt power to coerce compliance with a present or future obligation, including compliance with a court order. . . . [*In re Moroun*, 295 Mich App 312, 331; 814 NW2d 319 (2012).]

"The courts have the responsibility to apply the contempt power judiciously and only when the contempt is clearly and unequivocally shown." *In re Dudzinski*, 257 Mich App 96, 109; 667 NW2d 68 (2003).

Plaintiffs have not clearly and unequivocally demonstrated defendants' contempt. Algonac Community Schools Superintendent Alan Latosz attested in an affidavit that on December 29, 2025, he accessed and completed the online recission form. He then clicked the button to "save and close." Latosz admitted he did not see the button labeled "submit" and did not click it. Latosz did not discover his error until February 23, 2026. Latosz requested defendants excuse this error and accept Algonac Community Schools' recission. Defendants replied that this was not possible because Latosz had not actually submitted the form.

Plaintiffs contend, however, that defendants permitted another district—Trenton Public Schools—to rescind its opt-in after the deadline and acted arbitrarily in denying Algonac's request. The situation with Trenton Public Schools is not similar enough to support that defendants engaged in any impropriety in relation to Algonac.

Assistant Superintendent of Trenton Public Schools Stephanie O'Connor attested in an affidavit that on December 29, 2025, she accessed and completed the online recission form. O'Connor was familiar with the Michigan Department of Education's GEMS/MARS system and had used it for other purposes in the past. O'Connor was aware that there were separate buttons to "save and close" and to "submit." Her general practice was to complete a form and then "save and close." She would then reopen the form to confirm it was accurately completed and then hit "submit." O'Connor attested that to the best of her knowledge she followed that practice on December 29, 2025, and submitted the form. O'Connor followed up with defendants on January 5, 2026, because she had not received confirmation that the recission had been accepted. Defendants investigated, found a discrepancy in their reports, and confirmed that O'Connor had successfully submitted the recission form. Defendants then corrected their records.

Defendants did not arbitrarily treat Algonac and Trenton differently. O'Connor properly submitted the recission form and promptly followed up with defendants when she did not receive a confirmation. Defendants were then able to investigate and found an error on their end. Latosz did not properly submit the recission form. He did not promptly follow up with defendants. And there was no error on defendants' end. Accordingly, defendants also did not arbitrarily reject Algonac's request for relief. Simply put, Algonac did not rescind its decision to opt-in for funding and, therefore, defendants did not violate the Court's order. The Court cannot hold defendants in contempt when they have done nothing amiss.

IT IS ORDERED:

1. Plaintiff's motion to show cause and hold defendants in contempt is DENIED.

2. This order resolves the limited issue for which this case was reopened. The Court DIRECTS that this matter is CLOSED.

Date: April 16, 2026

Sima G. Patel
Judge, Court of Claims