STATE OF MICHIGAN

COURT OF CLAIMS

KEVIN POTTER,

Plaintiff,

v

Case No. 25-000185-MP

P. SULLENBERGER et al,

Hon. James Robert Redford

Defendants.
_____/

OPINION AND ORDER DENYING PLAINTIFF'S 4/23/26 MOTION TO STRIKE AND GRANTING DEFENDANTS' 4/8/26 MOTION FOR SUMMARY DISPOSITION

Plaintiff filed suit against various officers employed by the Michigan Department of Corrections. The summonses to serve these defendants expired on March 2 and March 3, 2026. Plaintiff's proofs of service and accompanying receipts show that plaintiff did not mail the complaints to defendants until March 17 and March 23, 2026. The Court GRANTS defendants' motion for summary disposition under MCR 2.116(C)(3) for failure to effectuate timely service.

The Court acknowledges plaintiff's motion to strike defendants' motion. Plaintiff contends that he filed his claim as a small claims court action and correctly states that parties are not entitled to counsel in the small claims division of a court. The Court of Claims does not have a small claims division, however, and that court rule is not applicable here. Accordingly, defendants were entitled to respond to plaintiff's motion through counsel.

Plaintiff has not responded to defendants' motion to dismiss and has not asserted that he timely served defendants. The record establishes that plaintiff did not mail the summonses and complaint to defendants until more than two weeks after the summonses expired. Service of process was, therefore, insufficient and the Court must dismiss plaintiff's action.

IT IS ORDERED:

1. Plaintiff's motion to strike defendants' April 8, 2026 motion for summary disposition is DENIED.
2. Defendants' April 8, 2026 motion for summary disposition is GRANTED.
3. Plaintiff's complaint is DISMISSED in its entirety but without prejudice to filing a timely complaint and effectuating timely service in a new action.
4. This is a final order resolving all issues in this case.

Date: April 29th, 2026

James Robert Redford
Judge, Court of Claims