STATE OF MICHIGAN

COURT OF CLAIMS

KEVIN POTTER,

Plaintiff,

v Case No. 25-000185-MP

P. SULLENBERGER et al, Hon. Michael J. Riordan

Defendants.
_____ /

ORDER GRANTING PLAINTIFF'S 5/22/26 MOTION FOR RECONSIDERATION, SETTING ASIDE DISMISSAL, AND REINSTATING CASE

Plaintiff filed suit against P. Sullenberger and other unnamed defendants on December 1, 2025. On April 28, 2026, defendants moved for summary disposition, contending that plaintiff had not attempted to serve them before the summons' March 2, 2026 expiration date. Plaintiff did not respond to defendant's motion on the merits. Instead, plaintiff moved to strike the motion for summary disposition because he had filed his claim as a Small Claims Action and, therefore, defendants were not permitted to respond through counsel. On April 29, 2026, the Court granted defendants' motion for summary disposition based on the evidence presented by defendants and denied plaintiff's motion to strike because there is no Small Claims Division in the Court of Claims.

On May 22, 2026, plaintiff moved for reconsideration. Plaintiff presented receipts from the prison mailroom showing that he placed the summons and complaints in the mail on a timely basis to serve defendants. These receipts demonstrate that plaintiff did effectuate timely service

but that the prison mailroom delayed in processing and sending the correspondence. The delay in effectuating service was not caused by plaintiff and was out of his control.

Accordingly, the Court GRANTS plaintiff's motion to set aside the dismissal and reinstate this action. Plaintiff has already effectuated service on defendants, and defendants are DIRECTED to respond to the complaint within 21 days of the issuance of this order. This is not a final order.

Date: 08/21/2026

Michael J. Riordan
Judge, Court of Claims