# STATE OF MICHIGAN

# COURT OF CLAIMS

BRYAN BUTZIN,

Plaintiff,

v

Case No. 26-000035-MZ

BOARD OF REGENTS OF UNIVERSITY OF MICHIGAN d/b/a UNIVERSITY OF MICHIGAN HEALTH and JOHN AND JANE DOES 1-10,

Hon. Sima G. Patel

Defendants.
_____ /

OPINION AND ORDER DENYING BOARD OF REGENTS' 6/18/26 MOTION FOR RECONSIDERATION

On May 28, 2026, the Court granted in part and denied in part defendants' motion for summary disposition, concluding that certain of plaintiff's claims sounded in ordinary negligence, but others sounded in medical malpractice and had to be dismissed. The Board of Regents of the University of Michigan contend that all of plaintiff's claims sound in medical malpractice and should have been summarily dismissed. The Court DENIES the Board's motion for reconsideration.

To support a motion for reconsideration, "The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error." MCR 2.119(F)(3). The Board contends that this Court's opinion and order was internally inconsistent, positing that the "Court correctly recognized that 'psychiatric in-patient units house unpredictable and sometimes violent patients'

and that 'how to best handle the care of those patients while still providing necessary care for all patients are decisions requiring medical judgment,' " but then concluding that the failure to take any action in relation to a patient with known violent tendencies sounded in ordinary negligence.

The Court made a nuanced distinction supported by case law. Although the type of action taken by a psychiatric facility to manage and protect patients is a matter of medical judgment, the *failure* to take action to protect other patients sounds in ordinary negligence. Plaintiff alleged that the Board failed to take action to protect other patients:

> 16. Despite witnessing [TA's] violent assault on a staff member, Defendants failed to take any reasonable or adequate measures to protect other patients, including Plaintiff, from further violence by [TA].
>
> 17. Defendants failed to isolate, restrain, transfer, or otherwise remove [TA] from the general patient population despite his demonstrated violent behavior.

This was sufficient to plead a cause of action for ordinary negligence under *Ackley v Kingswood Hosp, Inc*, unpublished per curiam opinion of the Court of Appeals, issued May 14, 2020 (Docket No. 346350). In the end, the facts may not support plaintiff's claim. However, at this early stage of the proceedings, plaintiff's allegations suffice to state a claim upon which relief could be granted and avoid summary disposition under MCR 2.116(C)(8).

IT IS ORDERED:

1. The Court DENIES the Board's motion for reconsideration.
2. The Court DIRECTS the Board to respond to plaintiff's amended complaint.
3. This is not a final order resolving all issues in this suit.

Date: June 22, 2026

Sima G. Patel
Judge, Court of Claims