# STATE OF MICHIGAN

# COURT OF CLAIMS

MIHAELA AMBRONO,

Plaintiff,

v

Case No. 26-000044-MZ

STATE OF MICHIGAN-UNEMPLOYMENT INSURANCE AGENCY,

Hon. Randy J. Wallace

Defendant.
_____ /

**ORDER DENYING MOTION TO SET ASIDE ORDER OF DISMISSAL AND REINSTATE CASE**

Plaintiff filed this action on February 25, 2026. The summons expired on May 27, 2026. No valid proof of service or acknowledgment or service was filed on behalf of defendant and no counsel filed an appearance. On June 8, 2026, the Court entered notice of dismissal for nonservice and the case was closed. On July 6, 2026, plaintiff timely moved to set aside the dismissal under MCR 2.102(F)[1] or alternatively for an additional 30 days to achieve service. The Court DENIES plaintiff's motion.

A summons expires 91 days after the date the summons is issued. MCR 2.102(D). Within those 91 days, on a showing of due diligence by the plaintiff in attempting to serve the original summons, the judge to whom the action is assigned may order a second summons to issue for a

[1] Although plaintiff cites additional court rules, MCR 2.102(F) governs dismissal of actions for failure to serve.

definite period not exceeding 1 year from the date the summons is issued. *Id*. Plaintiff did not move this Court for issuance of a second summons within that 91 day period.

Upon the expiration of the summons as provided in subrule (D), the action is deemed dismissed without prejudice as to a defendant who has not been served with process as provided in the court rules, unless the defendant has submitted to the court's jurisdiction. MCR 2.102(E)(1). Because plaintiff did not file proof of service of process on defendant, the Court entered a notice of dismissal of plaintiff's action on June 8, 2026.

MCR 2.102(F)(1) provides that a court may set aside the dismissal under subrule (E) only on stipulation of the parties or when all of the following conditions are met:

> (1) within the time provided in subrule (D), service of process was in fact made on the dismissed defendant, or the defendant submitted to the court's jurisdiction;
>
> (2) proof of service of process was filed or the failure to file is excused for good cause shown;
>
> (3) the motion to set aside the dismissal was filed within 28 days after notice of the order of dismissal was given, or, if notice of dismissal was not given, the motion was promptly filed after the plaintiff learned of the dismissal.

Conditions (1) and (2) have not been met. There is no evidence that service of process was made on defendant[2] before the summons expired or that defendant submitted to the court's jurisdiction. No proof of service was filed,[3] and plaintiff has not shown good cause for failure to file proof of service of process. Plaintiff does not contend that she obtained personal service on

[2] See MCR 2.105(G).

[3] Plaintiff did not attach a copy of a signed return receipt for certified mail with proof showing service under MCR 2.104(A)(2).

defendant, that she served a summons and a copy of the complaint on a person in charge of the office of an officer on whom service may be made, or that she has a return receipt. Consequently, the Court may not set aside the dismissal under MCR 2.102(F). Plaintiff's motion is DENIED and the case remains closed.

Date: July 7, 2026

Hon. Randy J. Wallace
Judge, Court of Claims