STATE OF MICHIGAN

COURT OF CLAIMS

VINCENT BURGESS,

Plaintiff,

v

Case No. 26-000056-MZ

Hon. Michael F. Gadola

CENTER FOR FORENSIC PSYCHIATRY, ERNEST POORTINGA, ANDREA VANDENBURGH, MAMADIPAKA VIJAYA KALLORI, ISABELLA JENKINS, STEVEN FLETCHER, MORGAN DELEONARD, JOHN DOE SECURITY DIRECTOR, LINDSAY SCHARBONEAU, LAURA HOLLER, and DR. JUHA PAAVALA,

Defendants.
_____ /

ORDER DENYING PLAINTIFF'S 4/27/26 EX PARTE MOTION FOR SECOND SUMMONS AND FOR ALTERNATIVE SERVICE

Plaintiff filed this lawsuit in this Court on March 16, 2026. Before the Court is plaintiff's ex parte motion for second summons under MCR 2.102(D) and for alternative service under MCR 2.105(J). The Court DENIES plaintiff's ex parte motion in its entirety.

This case was initiated in the Court of Claims by the filing of a complaint; it is not a transfer case from district court as plaintiff asserts in his motion. This Court issued a summons that does not expire until June 15, 2026. Plaintiff's motion does not contend that plaintiff has exercised due

diligence *in this case* in attempting to serve defendants, see MCR 2.102(D),[1] nor does plaintiff demonstrate that service cannot be made upon defendants under MCR 2.105. Plaintiff does not assert that in this case he attempted to personally serve each defendant or that he mailed a summons and complaint to each defendant by certified or registered mail. He has offered no evidence, such as in the form of a receipt of mailing for certified or registered mail, to demonstrate that he mailed the summons and complaint to each defendant. Plaintiff does not allege that defendants' locations are unknown. He simply provides no evidence that he has taken *some* steps to serve defendants in *this* case. Rather, he relies on defendants' alleged evading of service in other "circuit court cases." Plaintiff has failed to establish due diligence in attempting to serve defendants in this case and, therefore, the Court DENIES plaintiff's motion for a second summons.

Plaintiff also moves for alternative service by first-class mail or publication. Alternative service is governed by MCR 2.105(J), which provides a Court discretion, on a showing that service of process cannot reasonably be made as provided by MCR 2.105, to order service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard. See MCR 2.105(J)(1). A request for an order under the rule must be made in a verified motion that must set forth sufficient facts to show that process cannot be served under [MCR 2.105] and must state the defendant's address or last known address, or that no address of the defendant is known. MCR 2.105(J)(2). Plaintiff's motion is neither signed nor verified. Further, the motion does not set forth facts sufficient to show that process

[1] Under MCR 2.102(D), a summons expires 91 days after the summons is issued. "However, 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 definite period not exceeding 1 year from the date the summons is issued."

cannot be made by personal service or by certified or registered mail, nor does it state defendants' last known addresses or that no address of each defendant is known. The Court therefore DENIES plaintiff's motion for alternative service.

IT IS SO ORDERED. This is not a final order and does not close the case.

Date: April 30, 2026

Hon. Michael F. Gadola
Chief Judge, Court of Claims