STATE OF MICHIGAN

COURT OF CLAIMS

VINCENT BURGESS,

Plaintiff,

v

Case No. 26-000056-MZ

CENTER FOR FORENSIC PSYCHIATRY and JOHN DOE 1-10,

Hon. Michael F. Gadola

Defendants.
_____ /

ORDER DENYING PLAINTIFF'S EMERGENCY MOTION FOR DISQUALIFICATION OF CHIEF JUDGE MICHAEL F. GADOLA AND DENYING EMERGENCY MOTION FOR STAY OF PROCEEDINGS

Before the Court are plaintiff's emergency motion under MCR 2.003(1)(a) and (b) to disqualify me from presiding over this action and motion for immediate stay of proceedings. I disagree that I should be disqualified and I deny plaintiff's motions.

In support of the motions, plaintiff refers to alleged errors by the Court of Claims clerk and MiFILE system errors in a prior case filed by plaintiff that was assigned to Court of Claims Judge Christopher P. Yates and was administratively dismissed for nonservice/no progress on September 30, 2025 (Court of Claims No. 24-000208-MZ). Plaintiff's motion to set aside the dismissal and reinstate the case was pending before Judge Yates when he left the Court. Judge Yates's successor on the Court of Claims, Judge Randy J. Wallace, denied the motion as moot because plaintiff had filed the present case and stated in the complaint that "[t]his matter is a re-filing of claims arising from the same transactions and occurrences as . . . Case No. 24-000208-MZ."

Plaintiff also refers to a May 29, 2026 order that I, in my administrative role as Chief Judge of this Court, issued in a case assigned to Judge Sima G. Patel (Court of Claims No. 26-000112-MM) to address plaintiff's demonstrated continuing pattern of initiating new actions that do not comply with the Court of Claims Act (COCA) despite repeated notice from this Court as to what is required. That order requires that any new case initiations filed by plaintiff in this Court include a request for leave to file and review by me for compliance with the COCA before the clerk of this Court accepts the complaint for filing. This review process is not a "restrictive electronic gatekeeper hurdle" as plaintiff suggests. Rather, the review assures that plaintiff's new filings comply with the verification requirements of the COCA *before* the Court accepts the complaint for filing, alleviating both the Court's issuance of a show-cause order *after* a non-compliant complaint is accepted for filing and plaintiff's need to respond to the show-cause order with a response or compliant complaint.

Lastly, plaintiff refers to the order in this case granting the Center for Forensic Psychiatry's (CFP) motion for a protective order staying discovery until the Court rules on CFP's motion for summary disposition. Plaintiff asserts that this Judge showed "complete and total personal bias" by granting CFP's June 17, 2026 motion "on June 18, 2026—less than 24 hours after the state requested it—completely cutting off Plaintiff's right to gather evidence before a written response could even be framed." Under Court of Claims LCR 2.119(C)(2), plaintiff had 14 days to respond to CFP's motion. Plaintiff, however, filed a response to CFP's motion for a protective order on June 17, 2026. The motion was, therefore, ready for resolution on June 17, 2026.

Under MCR 2.003(C), in relevant part, disqualification of a judge is warranted for reasons that include, but are not limited to, the following:

(a) The judge is biased or prejudiced for or against a party or attorney.

(b) The judge, based on objective and reasonable perceptions, has either (i) a serious risk of actual bias impacting the due process rights of a party as enunciated in *Caperton v Massey*, [556 US 868]; 129 S Ct 2252; 173 L Ed 2d 1208 (2009), or (ii) has failed to adhere to the appearance of impropriety standard set forth in Canon 2 of the Michigan Code of Judicial Conduct.

I do not have any actual bias and my participation would not cause an appearance of impropriety. I deny plaintiff's motion to disqualify and motion for stay.

Date: June 23, 2026

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