STATE OF MICHIGAN

COURT OF CLAIMS

MUTAZ ALSHARA,

Plaintiff,

v

Case No. 26-000067-MZ

THE REGENTS OF THE UNIVERSITY OF MICHIGAN,

Hon. Randy J. Wallace

Defendant.
_____ /

OPINION AND ORDER

In this action involving a claim of discrimination under the Elliott-Larsen Civil Rights Act (ELCRA), MCL 37.2101 *et seq*., as well as other statutory, tort, and constitutional claims, defendant, the Regents of the University of Michigan (the University), moves for summary disposition under MCR 2.116(C)(7) and (8) on the basis that plaintiff, Mutaz Alshara, failed to file a claim or notice of intent (NOI) within the one-year notice period outlined in Section 6431 of the Court of Claims Act (COCA), MCL 600.6431(1), or, alternatively, failed to state a claim on which relief may be granted. Because plaintiff did not file a timely claim or NOI as required under the COCA, the Court GRANTS the University's motion for summary disposition under MCR 2.116(C)(7) and DISMISSES the first-amended complaint with prejudice as to the claims that accrued on September 27, 2024, and without prejudice as to any claims plaintiff may assert in the future arising from an alleged April 6–7, 2026 incident. Plaintiff's motion to file a sur-reply brief and his May 15, 2026 motion to file an exhibit under seal are DENIED. Plaintiff's remaining pending motions are DISMISSED AS MOOT.

I. BACKGROUND

Plaintiff alleges that he experienced discrimination on the basis of his gender and sexual orientation in relation to civil-commitment proceedings, which were initiated in 2020 in the Wayne Probate Court, and through certain interactions with the University's campus police and health system. Plaintiff, who describes himself as an "openly gay man," alleges that he experienced a "pattern of stalking by multiple individuals" in Ann Arbor, Michigan (where the University is located), leading him to contact the University's Department of Public Safety and to seek treatment at the University's hospital. Plaintiff alleges that an employee of the University prepared a petition for involuntary mental health treatment in plaintiff's presence while plaintiff was receiving treatment at the hospital and after plaintiff requested the presence of the United Church of Christ during his treatment. Plaintiff asserts that the employee was "licensed out" to the Arab American and Chaldean Council (a group that plaintiff alleges harbors "anti-gay" sentiments), and that this was the motive behind the filing of the petition.

On September 27, 2024, a petition for involuntary mental health treatment was filed in Wayne Probate Court (presumably by the University's employee). On October 3, 2024, the probate court ordered plaintiff to attend mental health treatment. Plaintiff asserts that, as a result of the probate court's order, he was a patient at Beaumont Behavioral Health from October 3, 2024 through an unidentified date in March 2025. He alleges that he was unable to file an NOI in this Court during that time frame. In his April 3, 2026 NOI, plaintiff alleged, "The claims arose beginning on or about September 27, 2024, and continuing through and including the period of Claimant's involuntary confinement at Beaumont Behavioral Health, located in Dearborn, Michigan, pursuant to Wayne County Probate Court Case No. 2020-861738-MI."

On June 24, 2025, after he was released from treatment, plaintiff filed a federal lawsuit in *Alshara v United States*, United States District Court for the Eastern District of Michigan, Case No. 4:25-cv-11923. Plaintiff filed the federal lawsuit against the United States and several Department of Justice attorneys. Plaintiff alleged in that lawsuit that certain unknown female individuals impersonated federal personnel, healthcare workers, and private-sector employees. Plaintiff did not name the University or any of its employees or agents as a defendant in the federal lawsuit. Nor did he file an NOI for purposes of suing the University in this Court at that time. The federal court dismissed that lawsuit on July 8, 2025.

Plaintiff filed this lawsuit in the Wayne Circuit Court in February 2026. Plaintiff identified the University, the City of Dearborn, the Arab American and Chaldean Council, and several individuals as defendants in the circuit court case. He did not, however, file a verified complaint or an NOI in this Court. In March 2026, the University filed a notice of transfer of the claims against the University, only, to this Court. Plaintiff filed an NOI with the clerk of this Court on April 3, 2026.

After the transfer, this Court issued a show-cause order on April 8, 2026, because plaintiff's complaint did not comply with the verification requirement in MCL 600.6431(2)(d). Plaintiff filed an amended complaint on April 9, 2026, which contained a verification satisfying MCL 600.6431(2)(d) and added new allegations. Specifically, plaintiff alleged, for the first time, that on April 6, 2026, he was subjected to gender and sexual-orientation discrimination at the University of Michigan Health System Emergency Department while accompanying his mother for medical treatment. He alleged that he was removed from the University's hospital and not allowed to reenter the facility through at least April 7, 2026. He asserted that these events showed a continuing pattern of discrimination and retaliation.

In his amended complaint, plaintiff asserted claims for violation of ELCRA, false imprisonment relating to his involuntary mental health treatment, intentional infliction of emotional distress (IIED) relating to his involuntary mental health treatment, violation of the Mental Health Code, MCL 330.1001 *et seq*., and violation of his right to bodily integrity, as outlined in Const 1963, art 1, §§ 2 and 17, again in relation to his involuntary mental health treatment. Plaintiff stated, in relevant part, "Claims accrued on or about September 27, 2024." He asserted that his claims are subject to equitable tolling under MCL 600.5851(1) because he was involuntarily confined from October 3, 2024 through March 2025. He further asserted that the federal lawsuit also tolled the notice period while the lawsuit was pending and for another 30 days after it was dismissed.

The University moved for summary disposition under MCR 2.116(C)(7) and (8) at the outset of this case, arguing that it is immune from suit because plaintiff did not file his NOI or verified claim within one year of accrual as a condition precedent to suing a state entity under MCL 600.6431(1). The University also argues that plaintiff's claims for false imprisonment, IIED, and violation of the Mental Health Code are barred by the governmental tort liability act (GTLA), MCL 691.1401, *et seq*., and that the complaint fails to state a claim on which relief may be granted in relation to plaintiff's claims of false imprisonment, IIED, violation of the Mental Health Code, and violation of the right to bodily integrity.

Plaintiff responded, arguing that the notice period did not expire before he filed his NOI because various tolling principles apply in this case. He argues that the one-year notice period was tolled during the period of his court-ordered mental health treatment, and was again tolled while his federal lawsuit was pending (and for 30 days after it was dismissed) under 28 USC 1367(d), which he alleges tolls the limitations period for any claim asserted in a supplemental claim in a

federal case while the claim is pending and for 30 days after it is dismissed. Plaintiff cites *Artis v District of Columbia*, 583 US 71; 138 S Ct 594; 199 L Ed 2d 473 (2018), to support this theory. He argues that the federal lawsuit asserted claims for violation of federal civil rights laws, as well as state-law claims that either were or could have been asserted in that lawsuit.

Plaintiff also contends that the GTLA does not apply to statutory causes of actions, such as his ELCRA claim, and that his constitutional claims are preserved on the basis of the Michigan Supreme Court's decision in *Bauserman v Unemployment Ins Agency*, 509 Mich 673; 983 NW2d 855 (2022). Plaintiff contends that the continuing-wrongs doctrine applies to his ELCRA claims and notes that his new allegations relate to the April 6, 2026 incident, which occurred after he filed his NOI. He argues that the University fraudulently concealed the fact that its agents participated in the civil-commitment proceedings with a discriminatory animus, and thus the notice period was subject to tolling under the fraudulent-concealment statute, MCL 600.5855.

Plaintiff further contends that his ELCRA claims are not barred by the GTLA because ELCRA contains a statutory waiver of immunity. See MCL 37.2801. He argues that his claims for false imprisonment, IIED, and violation of bodily integrity allege conduct that was ultra vires and nongovernmental in nature and thus fell outside the scope of the GTLA's immunity protections. He also argues that he sufficiently pleaded a claim for relief for each count raised in the amended complaint and that factual questions prevent summary disposition at this stage in the proceedings.

Plaintiff also submitted a supplemental response brief in which he argues that his probate court case remains open, supporting that the notice period was tolled. Plaintiff also requests leave

to amend the complaint to add claims for exemplary (noneconomic) damages and to add a count for gross negligence.

The University replied, asserting that this case involves "AI-generated litigation" and that plaintiff's response brief contains "complex and abstract theories" with little relevance to the issues at hand. The University argues that 28 USC 1367(d) did not toll the limitations period during plaintiff's federal lawsuit (or for 30 days after dismissal) because the University and its agents were not defendants in that lawsuit. The University argues that equitable estoppel does not apply to the notice requirement, which must be strictly construed in favor of the state entity. Even if equitable estoppel applies, plaintiff does not allege that the University took any active steps to mislead him or prevent him from filing this lawsuit. The University adds that the continuing-wrongs doctrine was largely abolished in Michigan, and that the notice requirement is triggered when the claim accrues. Because plaintiff admitted in his NOI that his claim accrued on September 27, 2024, the notice period expired on September 27, 2025. Plaintiff's NOI and verified complaint were filed in April 2026, well after the one-year period expired. Finally, the University contends that plaintiff's ELCRA claim is subject to the notice requirement in the COCA. Because the briefing thoroughly addresses the issues, the Court dispenses with oral argument under Court of Claims LCR 2.119(E)(3).

II. ANALYSIS

The University moved for summary disposition under MCR 2.116(C)(7) and (8).[1] Summary disposition under MCR 2.116(C)(7) is granted when the plaintiff's claims are barred by immunity granted by law. *Milot v Dep't of Transp*, 318 Mich App 272, 275; 897 NW2d 248 (2016). This Court will "accept as true all of the plaintiff's well-pleaded factual allegations and construe them in favor of the plaintiff unless disputed by documentary evidence submitted by the moving party." *Norman v Dep't of Transp*, 338 Mich App 141, 146; 979 NW2d 390 (2021). "The court must consider any affidavits, depositions, admissions, or other documentary evidence submitted, and the court must determine whether there are any genuine issues of material fact." *Id*. When there are no facts in dispute, or reasonable minds could not disagree about the legal effect of the facts, then the question becomes one of law. *Id*. at 146-147.

At the outset, the Court notes that plaintiff moved to file a sur-reply brief or to strike paragraph one of the University's reply brief. Plaintiff's motion to file a sur-reply brief and strike paragraph one of the reply brief is DENIED. The arguments in the University's reply brief will be considered on the merits.

The University argues in its motion for summary disposition that plaintiff did not establish a condition precedent to filing suit in this Court because he did not file a claim or NOI within one year after his claim accrued, as required under the COCA. The relevant provision of the COCA, MCL 600.6431(1), provides:

[1] Because, as discussed later, the Court concludes that plaintiff did not file a timely claim or NOI, which is a condition precedent to filing suit in this Court, the Court need not address the University's alternative arguments that the GTLA bars certain claims or that plaintiff has failed to state a claim on which relief may be granted for purposes of MCR 2.116(C)(8).

> Except as otherwise provided in this section, a claim may not be maintained against this state unless the claimant, within 1 year after the claim has accrued, files in the office of the clerk of the court of claims either a written claim or a written notice of intention to file a claim against this state or any of its departments, commissions, boards, institutions, arms, or agencies.

The plaintiff must follow the conditions outlined in MCL 600.6431 " 'to successfully expose the defendant state agencies to liability.' " *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 72-73; 993 NW2d 392 (2023) (citation omitted). The notice requirement applies to each of the claims raised in this lawsuit, including the statutory discrimination claims. See *Christie v Wayne State Univ*, 511 Mich 39, 44, 64; 993 NW2d 203 (2023). Thus, MCL 600.6431 creates a condition precedent to suing the State in this Court. *Fairley v Dep't of Corrections*, 497 Mich 290, 292; 871 NW2d 129 (2015). When the condition is not met, the claim against the State cannot proceed. *Id*.

Plaintiff concedes in both his NOI and his amended complaint that his claim accrued on September 27, 2024, which is when a renewed petition for involuntary mental health treatment was filed in Wayne Probate Court. Thus, the one-year period expired on September 27, 2025—more than five months before plaintiff filed his NOI and his verified complaint. Plaintiff argues, however, that the notice period was subject to various levels of tolling while he was receiving court-ordered treatment and during the period his federal lawsuit was pending.

Plaintiff relies on the theory of equitable estoppel to argue that the unlawful conduct of the University's employee caused his confinement and therefore prevented the timely filing of his verified complaint or NOI between October 3, 2024 and sometime in March 2025. He argues that equitable tolling applies to toll the notice period during the five-month period he was ordered to inpatient treatment. Equitable estoppel may apply when "(1) a party, by representations, admissions, or silence intentionally or negligently induces another party to believe facts, (2) the

other party justifiably relies and acts on that belief, and (3) the other party is prejudiced if the first party is allowed to deny the existence of those facts." *AFSCME Int'l Union v Bank One, NA*, 267 Mich App 281, 293; 705 NW2d 355 (2005) (quotation marks and citation omitted). Similarly, equitable tolling is a method for tolling the statute of limitations when equitable reasons compel that result. See *McDonald v Farm Bureau Ins Co*, 480 Mich 191, 204-205; 747 NW2d 811 (2008).

Plaintiff does not cite any appellate caselaw applying the doctrines of equitable estoppel or equitable tolling to the notice requirement in MCL 600.6431(1), which is a legislatively created notice period and not a statute of limitations. And even if the notice period could be tolled during the period of involuntary confinement, plaintiff does not allege facts to support that the University or its representatives made any representations to induce plaintiff to believe certain facts or that plaintiff relied on and acted upon those facts when failing to file a claim or NOI within the notice period. Instead, the Wayne Probate Court ordered inpatient mental health treatment, which is the act that resulted in plaintiff's confinement. More importantly, the period of involuntary mental health treatment did not prevent plaintiff from timely filing his claim or NOI. Plaintiff did not file a verified claim or NOI until April 3, 2026, which was over a year after his involuntary treatment ended in March 2025. In the meantime, in June 2025, he filed a federal lawsuit, showing that he was capable of filing documents with a court as early as June 2025. When plaintiff was released from treatment in March 2025, approximately six months of the notice period remained. Even if equitable tolling could apply in this circumstance, equity would not justify tolling the limitations period given the amount of time plaintiff had to file a timely claim or NOI even after he was released from treatment.

Plaintiff also argues that paragraphs 21 through 28 of the amended complaint outline a claim that the notice period was tolled under MCL 600.5855 because of fraudulent concealment. MCL 600.5855 provides:

> If a person who is or may be liable for any claim fraudulently conceals the existence of the claim or the identity of any person who is liable for the claim from the knowledge of the person entitled to sue on the claim, the action may be commenced at any time within 2 years after the person who is entitled to bring the action discovers, or should have discovered, the existence of the claim or the identity of the person who is liable for the claim, although the action would otherwise be barred by the period of limitations.

The doctrine of fraudulent concealment has been applied in the context of the notice requirement in the COCA. *McCormick v Mich State Univ*, unpublished per curiam opinion of the Court of Appeals, issued January 10, 2025 (Docket No. 367598), pp 3-4.[2] See also *Mays v Snyder*, 323 Mich App 1, 38-45; 916 NW2d 227 (2018), aff'd by equal division 506 Mich 157 (2020).

Plaintiff asserts that, during an incident on the University's campus, an employee of the University "licensed out to the Arab American and Chaldean Council,"—an entity that plaintiff alleges harbors "anti-gay attitudes"—petitioned the probate court for involuntary mental health treatment and contacted plaintiff's siblings without his consent "in a manner intended to cause harm" because each of the contacted family members "harbors documented anti-gay animus[.]" Plaintiff alleges that the employee caused plaintiff to be transported to a psychiatric institution in Detroit without his consent and before obtaining authorization from the probate court. Plaintiff further asserts that University police officers saw the events unfold but did not intervene, and that

[2] Although unpublished Court of Appeals cases are not binding, they may be considered for their persuasive value. See MCR 7.215(C)(1); *Cox v Hartman*, 322 Mich App 292, 307; 911 NW2d 219 (2017).

the University's general counsel (who knew plaintiff before these events) ignored a text message sent by plaintiff. These facts, even if accepted as true, do not establish that the University, or any of its employes or agents, fraudulently concealed the existence of plaintiff's claims or the identity of the University as the entity liable for those claims. Consequently, plaintiff cannot rely on fraudulent concealment to toll the statutory notice period.

Plaintiff also argues that the notice period was tolled for the approximate two-week period between the filing of his federal lawsuit on June 24, 2025, and the dismissal of that lawsuit on July 8, 2025. He argues that the notice period was tolled for an additional 30 days after the federal court dismissed the federal lawsuit under 28 USC 1367(d). 28 USC 1367(d) tolls a limitations period for claims over which the federal district court has supplemental jurisdiction "while the claim is pending and for a period of 30 days after it is dismissed," unless state law provides for a longer tolling period. In *Artis*, 583 US at 75, the United States Supreme Court held that the language of 28 USC 1367(d) holds the limitations period in abeyance (i.e., stops the clock) and does not merely provide a 30-day grace period for refiling the action in state court. *Artis* did not extend this principle to claims against individuals or entities that were not named as defendants in the federal lawsuit. The federal court action in this case involved the United States and several individual prosecutors. Plaintiff did not name the University or any of its agents or employees as a defendant in the federal lawsuit. Thus, there were no state-law claims pending against the University in federal court to trigger the tolling period in 28 USC 1367(d).

Plaintiff also invokes the continuing-wrongs doctrine. The doctrine was largely abolished in Michigan, including in the context of civil rights claims. See *Garg v Macomb Co Community Mental Health Servs*, 472 Mich 263; 696 NW2d 646 (2005), as amended. Even if the continuing-wrongs doctrine could apply to toll the notice period, it would not apply in this case. To support

that there were continuing wrongs in this case, plaintiff relies on an incident that he alleges occurred at a University hospital three days *after* he filed his NOI. The April 6–7, 2026 incident was *not* a continuation of the incidents giving rise to this lawsuit—it is a separate incident that occurred after this lawsuit was filed and was an alleged act of retaliation after plaintiff filed this lawsuit. Plaintiff provides no legal basis to support that alleged subsequent injuries would revive the notice period for the original event. *Bauserman*, 509 Mich 673, likewise does not support an extension or tolling of the notice period. *Bauserman* involved whether a plaintiff may recover monetary damages for a constitutional tort but did not otherwise address whether the notice period can be tolled. *Id*. at 681. Plaintiff cannot invoke the continuing-wrongs doctrine to revive his claims for which the notice period had already expired.

In sum, the notice period expired on September 27, 2025. Because plaintiff did not file a written claim or NOI within the one-year notice period, the University is immune from liability as to the claims that accrued on September 27, 2024. Therefore, summary disposition is GRANTED to the University under MCR 2.116(C)(7) as to those claims. Plaintiff's request to amend the complaint to add claims for noneconomic damages and a claim for gross negligence is DENIED as futile. See *Wormsbacher v Phillip R Seaver Title Co, Inc*, 284 Mich App 1, 8-9; 772 NW2d 827 (2009).

Finally, plaintiff has filed a May 15, 2026 motion to seal a supplemental Exhibit C in support of his claims. It is not apparent what motion plaintiff is attempting to supplement, but regardless, Exhibit C is represented to be an e-mail communication involving plaintiff's efforts to obtain a settlement or resolution. Because that exhibit is not relevant to the dispositive issue in this case, the Court DENIES the motion to seal. Plaintiff's May 18, 2026 motion to seal his second

set of interrogatories and May 19, 2026 motion to compel discovery responses and for sanctions are DISMISSED AS MOOT.

III. CONCLUSION

For the reasons discussed in this Opinion and Order,

IT IS ORDERED that the University's motion for summary disposition is GRANTED.

IT IS FURTHER ORDERED that plaintiff's claims in the first-amended complaint that accrued on September 27, 2024, or earlier are DISMISSED with prejudice. Any claims plaintiff may be asserting that arise from the April 6–7, 2026 incident, which occurred after this lawsuit was filed and were not included in the NOI, are DISMISSED without prejudice.

IT IS FURTHER ORDERED that plaintiff's motion to file a sur-reply brief is DENIED.

IT IS FURTHER ORDERED that plaintiff's May 16, 2025 motion to seal is DENIED.

IT IS FURTHER ORDERED that plaintiff's (1) May 18, 2026 motion to seal his second set of interrogatories and (2) May 19, 2026 motion to compel discovery are DISMISSED AS MOOT.

IT IS SO ORDERED. This order resolves the last pending claim and closes the case.

Date: May 28, 2026

Randy J. Wallace

Hon. Randy J. Wallace
Judge, Court of Claims