STATE OF MICHIGAN

COURT OF CLAIMS

TOD FRIEDMAN,

Plaintiff,

v

Case No. 26-000071-MP

Hon. Michael F. Gadola

STATE OF MICHIGAN, MICHIGAN DEPARTMENT OF CORRECTIONS, and UNKNOWN MDOC EMPLOYEES (in their individual capacities),

Defendants.
_____ /

ORDER DISMISSING INDIVIDUAL CAPACITY CLAIMS FOR LACK OF JURISDICTION

Plaintiff filed this action against defendants, State of Michigan, Michigan Department of Corrections, and "Unknown MDOC Employees (in their individual capacities)." On its own motion, the Court dismisses the claims against "Unknown MDOC Employees (in their individual capacities)" for lack of jurisdiction under MCL 600.6419(1)(a).

"The Court of Claims is a court of legislative creation. Its statutory powers are explicit and limited." *Council of Orgs & Others for Ed about Parochiaid v Michigan*, 321 Mich App 456, 466; 909 NW2d 449 (2017) (quotation marks and citation omitted). The Court of Claims has exclusive jurisdiction over claims against "the state or any of its departments or officers, MCL 600.6419(1)(a), which includes state officers, employees, or volunteers "acting, or who reasonably believes that he or she is acting, within the scope of his or her authority while engaged in or discharging a government function in the course of his or her duties," MCL 600.6419(7). This

jurisdiction extends to suits against state officers when the officer was acting in an official capacity when the acts at issue were committed. *Steele v Dep't of Corrections*, 215 Mich App 710, 715; 546 NW2d 725 (1996). The Court of Claims lacks subject-matter jurisdiction, however, to hear actions against persons who, although state officers, are being sued in their individual capacities. *Council of Orgs*, 321 Mich App at 466.

The Court is "continually obligated to question sua sponte" its jurisdiction over a person or the subject matter of a case. See *O'Connell v Dir of Elections*, 316 Mich App 91, 100; 891 NW2d 240 (2016) (quotation marks and citation omitted). This Court does not have subject-matter jurisdiction over claims against the unknown MDOC employees in their individual capacities. "Where a court lacks jurisdiction over the subject matter of a suit, any action, with respect to such a cause, other than dismissal, is absolutely void." *Id*. (quotation marks and citation omitted). Accordingly, plaintiff's claims against unknown MDOC employees in their individual capacities are DISMISSED, without prejudice to plaintiff filing an action against the unknown MDOC employees in their individual capacities in the circuit court.

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

Date: May 4, 2026

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