STATE OF MICHIGAN

COURT OF CLAIMS

INTERNATIONAL DRIVER TESTING, LLC,
FANI MANNA, and JIBRAN MANNA,

Plaintiffs,

v

Case No. 26-000089-MZ

STATE OF MICHIGAN DEPARTMENT OF STATE and JOCELYN BENSON, in her official capacity as Michigan Secretary of State,

Hon. Randy J. Wallace

Defendants.
_____ /

ORDER DENYING PLAINTIFFS' NOVEMBER 10, 2026 MOTION FOR RECONSIDERATION OF THE COURT'S OCTOBER 28, 2026 ORDER STAYING DISCOVERY

On October 28, 2026, this Court granted defendants' August 28, 2026 motion for a protective order staying discovery in this matter pending an order of the Court lifting the stay. On November 10, 2026, plaintiffs moved for reconsideration of this Court's order. Plaintiffs essentially argue that, because their response to defendants' pending motion for summary disposition included two affidavits filed under MCR 2.116(H), this Court is required to deny defendants' pending MCR 2.116(C)(10) motion for summary disposition or allow additional time to permit the affidavits to be supported by other discovery.

Having reviewed the motion, it is DENIED because plaintiffs have not demonstrated a palpable error by which the Court and the parties were misled. Court of Claims LCR 2.119(F)(3). Specifically, MCR 2.116(H) provides that when an affidavit is filed under the court rule, the Court

"may enter an appropriate order," such as an order denying the motion for summary disposition or an order allowing additional time for discovery. But the court rule uses the permissive word "may," rather than the mandatory word "shall," and does not require the Court to deny the motion for summary disposition or permit discovery simply because plaintiffs have filed affidavits. Additionally, this Court has the inherent authority to control its own docket, such as by staying discovery. See *Baynesan v Wayne State Univ*, 316 Mich App 643, 651; 894 NW2d 102 (2016).

IT IS SO ORDERED. This order does not resolve the last pending claim and does not close the case.

Date: November 17, 2026

Hon. Randy J. Wallace
Judge, Court of Claims