STATE OF MICHIGAN

COURT OF CLAIMS

SUSAN MORAND,

Plaintiff,

v

Case No. 26-000098-MZ

Hon. James Robert Redford

STATE OF MICHIGAN, MICHIGAN DEPARTMENT OF TRANSPORTATION, INCIDENT CLEAR, LLC, and JERRY BRISCOE, jointly and severally,

Defendants.
_____/

ORDER TO SHOW CAUSE AND DISMISS NONSTATE DEFENDANT

On the Court's own motion, the Court orders plaintiff to show cause why this matter should not be dismissed for lack of a verified claim under MCL 600.6431(2)(d) of the Court of Claims Act.

The requirements of the Court of Claims Act are conditions precedent to "successfully expose the defendant state agencies to liability," *Fairley v Dep't of Corrections*, 497 Mich 290, 298; 871 NW2d 129 (2015), and the failure to comply with the notice and verification requirements mandates dismissal of the case, *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 68; 993 NW2d 392 (2023).

Plaintiff filed a properly verified notice of intention to file a claim in accordance with the Court of Claims Act on October 12, 2023. The May 13, 2026 complaint does not contain "[a]

signature and verification by the claimant before an officer authorized to administer oaths" as required by MCL 600.6431(2)(d) and MCL 600.6434(2).

Further, plaintiff has filed suit against Incident Clear, LLC. The jurisdiction of the Court of Claims is limited to claims "against the state or any of its departments or officers." MCL 600.6419(1)(a). The Court lacks jurisdiction to consider claims against private corporations.

IT IS ORDERED:

1. Plaintiff is DIRECTED to show cause no later than 14 days from the date of entry of the order, why this Court should not dismiss this matter.

2. Should plaintiff fail to respond by the deadline, or fail to comply with the notice and verification requirements in MCL 600.6431(2)(d) of the Court of Claims Act, this matter will be dismissed.

3. To remedy this defect, plaintiff may file an amended complaint with the following statement at the conclusion: "I declare under penalty of perjury that this Complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief." This statement must be signed by the claimant before a licensed notary.

4. The Court DISMISSES plaintiff's claims against Incident Clear, LLC without prejudice to plaintiff filing suit in the circuit court.

Date: May 14, 2026

Hon. James Robert Redford
Judge, Court of Claims