STATE OF MICHIGAN

COURT OF CLAIMS

REGINALD CLEMENTS,

Plaintiff,

v

Case No. 26-000110-MZ

ABIGAIL LYNDA ZIESMAN, individually, and MICHIGAN STATE POLICE, solely in its capacity as owner of the motor vehicle,

Hon. Randy J. Wallace

Defendants.
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OPINION AND ORDER GRANTING DEFENDANT MICHIGAN STATE POLICE'S MOTION FOR SUMMARY DISPOSITION

Plaintiff Reginald Clements filed this action in Genesee Circuit Court on May 15, 2026, against defendants Abigail Lynda Ziesman, individually,[1] and the Michigan State Police (MSP), solely in its capacity as owner of the motor vehicle, alleging that he was injured because of a June 4, 2025 collision between his vehicle and a vehicle owned by the MSP and operated by defendant Ziesman. Plaintiff's complaint raised claims of gross negligence against defendant Ziesman individually and owner's liability against the MSP. Defendants transferred the claims to this Court under MCL 600.6404(3) on May 27, 2026.

The circuit court's transfer record was received by this Court and docketed on June 16, 2026. By that time, defendant Ziesman had answered the complaint in circuit court. On June 16,

[1] Defendant Ziesman is not sued in her individual capacity.

the MSP moved in this Court for summary disposition under MCR 2.116(C)(7). The MSP argued that the claim against it must be dismissed because plaintiff failed to file a notice of intent or claim within six months of the accident as required by MCL 600.6431(4) of the Court of Claims Act (COCA), MCL 600.6401 *et seq*., for a claim for personal injury.

On June 17, 2026, this Court entered an order for briefing and to show cause. The order established a briefing schedule for plaintiff's response to the MSP's motion for summary disposition and for the MSP's reply. The Court also ordered the parties to address the following in their briefs: "In the event that the Court grants the MSP's motion by dismissing plaintiff's claims against the MSP due to plaintiff's failure to timely file a notice of intent or claim under MCL 600.6431, should the Court remand the case to the Genesee Circuit Court in light of the fact that the complaint contained no allegations that the sole remaining defendant, Abigail Lynda Ziesman, was employed by the State of Michigan or that she was acting in the course of her employment with the State of Michigan at the time of the accident; i.e., because there is no allegation that Zieman was involved in the exercise of a government function at the time of the accident." The Court additionally ordered plaintiff to show cause why the Court should not dismiss this matter because the complaint did not contain a signature and verification by the claimant before a notary as required by MCL 600.6431(2)(d) of the COCA.

On July 1, 2026, plaintiff responded to the show-cause order by filing an amended complaint that satisfied the requirements of MCL 600.6431(2)(d). The amended complaint was against only Zieman and identified her as "an individual who resides in Genesee County." It alleged that jurisdiction was proper in Genesee Circuit Court because the amount in controversy exceeded $25,000. The amended complaint contained the same general allegations against defendant Ziesman as the original complaint and the same claim of gross negligence. It alleged

that "Defendant Ziesman's conduct constituted gross negligence, as defined by MCL 691.1407, in that her conduct was so reckless as to demonstrate substantial lack of concern for whether injury would result."

On July 14, 2026, plaintiff responded to the MSP's motion for summary disposition. Plaintiff did not oppose the MSP's motion for summary disposition and agreed that the MSP should be dismissed from the lawsuit. Plaintiff requested that the Court remand the case to circuit court to proceed against defendant Ziesman.

In a July 16, 2026 reply, the MSP asserted that upon its dismissal the case should not be remanded to circuit court because there was no dispute that defendant Ziesman was an employee of this state acting within the course and scope of her employment at the time of the accident. The MSP noted that plaintiff's amended complaint pleaded a gross-negligence claim against defendant Ziesman under the Governmental Tort Liability Act (GTLA), MCL 691.1407, and in his initial disclosures filed with this Court on June 24, 2026, plaintiff stated that defendant Ziesman was acting within the course and scope of her employment with the MSP at the time of the accident.[2] The MSP also attached a copy of the Traffic Crash Report from the accident that indicated that the driver of the vehicle was "on-duty police" and operating a state vehicle at the time of the accident.

On July 20, 2026, defendant Ziesman answered the complaint and denied the allegation that jurisdiction was proper in Genesee Circuit Court. She stated that jurisdiction was proper in the Court of Claims because she was "acting in the course of her employment with, and on behalf

[2] Plaintiff's initial disclosures filed with this court on June 24, 2026, stated that defendant Ziesman was acting within the scope and course of her employment with the MSP when she rear-ended plaintiff's vehicle on June 4, 2025.

of, the Michigan State Police at the time the incident alleged in the First Amended Complaint occurred."

II. ANALYSIS

MCL 600.6431 imposes a mandatory notice requirement for claims against the state as a condition on the state's waiver of sovereign immunity. The statute states in relevant part:

> (1) 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.
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> (4) For a claim against this state for property damage or personal injuries, the claimant shall file the claim or notice under subsection (1) with the clerk of the court of claims within 6 months after the event that gives rise to the claim.

Plaintiff's claims are for personal injuries. Plaintiff does not oppose the MSP's motion for summary disposition that was premised on the failure to timely file a notice of intent to file or a claim under MCL 600.6431(4).[3] Because plaintiff did not file a notice of intent to file a claim or a claim within six months after the accident, the Court GRANTS the MSP's motion. The claims against the MSP are DISMISSED with prejudice.

In response to this Court's order for briefing, plaintiff maintained that the claim against defendant Ziesman should be remanded to the circuit court. The MSP maintained that the Court of Claims has exclusive jurisdiction over the gross-negligence claim against defendant Ziesman.

[3] Although plaintiff filed an amended complaint that did not include the MSP as a defendant, he did not file a voluntary dismissal as to the MSP. This Court still has jurisdiction over the MSP and is required to rule on its motion for summary disposition.

With certain exceptions not applicable here, the Court of Claims has exclusive jurisdiction over claims "against the state or any of its departments or officers." MCL 600.6419(1)(a). "The state or any of its departments or officers" "means "this state this state or any state governing, legislative, or judicial body, department, commission, board, institution, arm, or agency of the state, or an officer, employee, or volunteer of this state or any governing, legislative, or judicial body, department, commission, board, institution, arm, or agency of this state, 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). Plaintiff's amended complaint pleaded a claim of gross negligence against defendant Ziesman under the GTLA, MCL 691.1407. The GTLA provides tort immunity to officers and employees of a governmental agency, each volunteer acting on behalf of a governmental agency, and each member of a board, council, commission, or statutorily created task force of a governmental agency, for an injury to a person or damage to property caused by the employee while in the course of employment while acting on behalf of the state when they act or reasonably believe are acting the scope of their authority while performing a governmental function, so long as their conduct is not gross negligence that is the proximate cause of the injury or damage. MCL 691.1407. Further, the MSP presented evidence that defendant Ziesman was "on-duty police" and driving a state vehicle at the time of the accident. The Court finds that it has exclusive jurisdiction over the GTLA claim against defendant Ziesman.

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

Date: November 12, 2026

Randy J. Wallace

Hon. Randy J. Wallace
Judge, Court of Claims