STATE OF MICHIGAN

COURT OF CLAIMS

NICHOLAS SAMUELSON,

Plaintiff,

v

Case No. 26-000118-MD

JOHN DOE, DAN'S EXCAVATING, INC., and MICHIGAN DEPARTMENT OF TRANSPORTATION,

Hon. Michael F. Gadola

Defendants.
_____ /

ORDER OF DISMISSAL AS TO DEFENDANTS JOHN DOE AND DAN'S EXCAVATING, INC. ONLY

Plaintiff has filed suit against John Doe, Dan's Excavating, Inc., and Michigan Department of Transportation (MDOT). Defendants John Doe and Dan's Excavating, Inc. are identified in the complaint as contractors for MDOT. The jurisdiction of the Court of Claims is limited to claims "against the state or any of its departments of officers." The statutory definition of "the state or any of its departments or officers" for purposes of COC jurisdiction is

> "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).

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). In accordance with the Court's ongoing obligation to question its jurisdiction, the Court has reviewed the complaint in this case. This Court lacks jurisdiction to consider claims against private individuals and entities. Accordingly, the Court DISMISSES the claims against defendants John Doe and Dan's Excavating, Inc. only, without prejudice and without limiting plaintiff's ability to file suit against John Doe and Dan's Excavating, Inc. in the circuit court.

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

Date: July 10, 2026

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