STATE OF MICHIGAN

COURT OF CLAIMS

ASHANTA BUTLER,

Plaintiff,

v

Case No. 26-000126-MZ

STATE OF MICHIGAN, DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Hon. Sima G. Patel

Defendant.
_____ /

ORDER TO SHOW CAUSE AND AMENDED SCHEDULING ORDER

The Court orders plaintiff to show cause why this matter should not be dismissed for lack of a verified claim or notice of intention to file a claim under MCL 600.6431(2)(d) of the Court of Claims Act (COCA).

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).

A plaintiff can comply with the notice and verification requirements of the COCA by (1) timely filing a notice of intent to file suit with the clerk of this Court, or (2) timely filing a complaint. MCL 600.6431. Plaintiff did not file a notice of intent to file suit with the clerk of this Court. The March 6, 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, before this matter was transferred to this Court, the Wayne Circuit Court entered a scheduling order on June 5, 2026. That order states that responses to motions for summary disposition are due seven days prior to the motion hearing date. However, Court of Claims Local Court Rule 2.119(C)(2) states that responses to summary disposition motions are due within 14 days of service of the motion.

Accordingly,

IT IS ORDERED:

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

2. Should plaintiff fail to respond by the deadline or fail to comply with the 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 (**not** a notice of intent at this stage of the proceedings) 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 before a licensed notary. Plaintiff shall serve defendant(s) with any amended complaint.

4. The Court VACATES the June 5, 2026 scheduling order and DIRECTS plaintiff to respond to defendant's June 12, 2026 motion within 14 days of the entry of this order. Any reply must be filed within four days of plaintiff's response.

Date: July 10, 2026

Hon. Sima G. Patel
Judge, Court of Claims