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.
_____ /

OPINION AND ORDER GRANTING DEFENDANT'S 6-12-26 MOTION FOR SUMMARY DISPOSITION

Plaintiff filed suit in Wayne Circuit Court on March 6, 2026, alleging that defendant terminated his employment on April 10, 2024, for racially motivated reasons and in retaliation for his whistleblowing activities. The action was transferred to this Court on June 12, 2026. Defendant moved for summary disposition the same day, arguing in part that plaintiff did not file his claim or notice of intent to file his claim within the time period set forth in MCL 600.6431 of the Court of Claims Act (COCA). On July 10, 2026, the Court entered an Order to Show Cause directing plaintiff to file an amended complaint complying with the COCA verification requirements. Plaintiff complied with that directive. The Court also set aside the circuit court's scheduling order and directed plaintiff to respond to defendant's motion for summary disposition within 14 days. Plaintiff did not file a responsive pleading.

The Court determines that the six-month notice period of MCL 600.6431(4) applies in this action. Plaintiff did not file notice of his claim until almost two years after the claim's accrual.

Accordingly, the Court GRANTS defendant's motion for summary disposition and DISMISSES plaintiff's complaint in its entirety.

MCL 600.6431 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.

In *Short v Mich State Police*, ___ Mich App ___; ___ NW3d ___ (2026) (Docket No. 375823), the Court of Appeals held that the six-month notice period of subsection (4) applied in a case alleging discrimination based on disability filed under the Persons with Disabilities Civil Rights Act, MCL 37.1101 *et seq*. Such discrimination in violation of the Act, the Court reasoned, is a violation of a guaranteed civil right, amounting to a "personal injury," based on that phrase's specialized meaning. *Short*, ___ Mich App at ___, slip op at 5-10.

Plaintiff's claims in the current action similarly sound in personal injury. Plaintiff raises his discrimination and retaliation claims under the Elliot-Larsen Civil Rights Act, MCL 37.2101 *et seq*., 42 USC 1981, and the Michigan Constitution. He also claims he was wrongfully discharged in violation of Michigan public policy. These are invasions of plaintiff's guaranteed civil rights and the injury was personal to plaintiff. Accordingly, plaintiff was required to file his claim or notice of his intent to file his claim within six months of accrual, or by October 10, 2024. Plaintiff, however, did not file his claim or notice of his claim until March 6, 2026. Accordingly,

The Court GRANTS defendant's motion for summary disposition and DISMISSES plaintiff's complaint in its entirety and with prejudice. This is a final order resolving all issues in this case.

Date: August 4, 2026

Hon. Sima G. Patel
Judge, Court of Claims