STATE OF MICHIGAN

COURT OF CLAIMS

INLANDISH DEVELOPMENT, LLC, a Michigan Limited Liability Company,

Plaintiff,

v

Case No. 26-000184-MZ

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE),

Hon. Randy J. Wallace

Defendant.
_____ /

OPINION AND ORDER GRANTING DEFENDANT'S UNCONTESTED MOTION FOR SUMMARY DISPOSITION AND DISMISSING CASE

Plaintiff initiated this action for declaratory judgment and a writ of mandamus against defendant Michigan Department of Environment, Great Lakes, and Energy (EGLE) and nonstate defendant Washtenaw County in the Washtenaw Circuit Court on June 24, 2026. Plaintiff filed an amended complaint on August 13, 2026. On August 27, 2026, EGLE transferred the claims against it to this Court. Plaintiff's amended complaint alleges that it submitted a water classification request for its residential development project to EGLE on May 30, 2024. On August 1, 2024, EGLE classified the project as Type I. Plaintiff subsequently reduced the number of lots in the project, and on October 24, 2024, EGLE issued a revised classification determining the project was not Type I and directing plaintiff to submit an application for a Type III community

water supply permit to Washtenaw County.[1] Washtenaw County later refused plaintiff's Type III application.[2] Plaintiff filed this action requesting a declaration that the denial of plaintiff's Type III permit was unlawful and a writ of mandamus compelling defendants to process plaintiff's Type III application according to applicable law.

In lieu of answering the complaint, on September 15, 2026, EGLE moved for summary disposition under MCR 2.116(C)(7), arguing in part that the action must be dismissed because plaintiff did not file its claim or a notice of intent to file a claim within the time period in MCL 600.6431 of the Court of Claims Act, MCL 600.6401 *et seq*.[3] Plaintiff did not file a response to the motion.[4] The failure to file a response to a motion will result in the treatment of the motion as uncontested. Court of Claims LCR 2.119(C)(3).

Under MCR 2.116(C)(7), summary disposition is appropriate when "immunity granted by law" bars the plaintiff's claims. In assessing a motion under that rule, this Court must review the "affidavits, pleadings, and other documentary evidence presented by the parties," accepting "plaintiff's well-pleaded allegations as true, except those contradicted by documentary evidence," to determine whether immunity applies as a matter of law. *McLean v Dearborn*, 302 Mich App 68, 72-73; 836 NW2d 916 (2013). Such documentary evidence must be viewed in the light most

[1] According to the allegations in plaintiff' complaint, under EGLE's published guidance and regulatory framework, systems that are not Type I or Type II fall within Type III classification.

[2] Plaintiff's complaint does not identify the date Washtenaw County denied the application.

[3] EGLE also correctly argued that plaintiff failed to file a notice of intent or claim that complies with the verification requirement of MCL 600.6431(2)(d).

[4] Under Court of Claims LCR 2.119(C)(2), "unless a different period is set by these rules or by the court for good cause, any response to a motion (including a brief or affidavits) required by these rules must be filed with the court and served within 14 days after the date of filing as appears in the title of the motion and in accordance with MCR 2.107."

favorable to the plaintiff as the nonmoving party. *Lavey v Mills*, 248 Mich App 244, 250; 639 NW2d 261 (2001). If "no facts are in dispute" and "reasonable minds could not differ regarding the legal effect of those facts," whether the claim is barred "is an issue of law for the court." *Dextrom v Wexford Co*, 287 Mich App 406, 429; 789 NW2d 211 (2010). Immunity is the applicable defense when a governmental entity seeks summary disposition for failure to comply with the notice requirements of the COCA. *McCahan v Brennan*, 492 Mich 730, 736-738; 822 NW2d 747 (2012).

The notice requirements in MCL 600.6431 of the COCA "apply to all claims against the state," except as expressly exempted in the COCA itself.[5] *Christie v Wayne State Univ*, 511 Mich 39, 52; 993 NW2d 203 (2023). This requirement applies to all claims against the state, including those filed in circuit court. *Id*. at 44-45. MCL 600.6431(1) of the COCA prohibits a claim from being "maintained against this state unless the claimant, within one year after the claim has accrued," files either a written claim or written notice of intention to file a claim.

A claim "accrues at the time the wrong upon which the claim is based was done regardless of the time when damage results." MCL 600.5827; *Mays v Governor*, 506 Mich 157, 181-182; 954 NW2d 139 (2020) (opinion by BERNSTEIN, J). "[T]o determine when a claim accrued, it is necessary to determine the date on which plaintiff[] first incurred the harm [it] assert[s], and the 'relevant harms' for that purpose are the actionable harms alleged in a plaintiff's cause of action."

[5] See MCL 600.6431(5) ("This section does not apply to a claim for compensation under the wrongful imprisonment compensation act, 2016 PA 343, MCL 691.1751 to 691.1757").

Mt Pleasant v Acting Dir of Dep't of Technology, Mgt, & Budget, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 367866); slip op at 13.

The allegations in plaintiff's complaint demonstrate that plaintiff's claims against EGLE accrued by October 24, 2024, when EGLE determined that plaintiff's project was not Type I and directed plaintiff to submit an application for a Type III community water supply permit to Washtenaw County. Plaintiff did not file its claim until June 24, 2026. Because the uncontested evidence demonstrates that plaintiff failed to file either a notice of intent to file a claim or a claim within one year of the accrual of its claims, the Court GRANTS defendant's motion and DISMISSES the case with prejudice.

IT IS SO ORDERED. This order resolves the last pending claim and closes the case.

Date: October 8, 2026

Hon. Randy J. Wallace
Judge, Court of Claims