# STATE OF MICHIGAN

# COURT OF CLAIMS

WILLIAM ALTON SHIVE, JR.,

Plaintiff,

v

Case No. 26-000185-MD

CITY OF BATTLE CREEK and MICHIGAN DEPARTMENT OF TRANSPORTATION,

Hon. Michael J. Riordan

Defendants.
_____/

**ORDER OF PARTIAL DISMISSAL AND TO SHOW CAUSE**

Plaintiff has filed suit against the City of Battle Creek and the Michigan Department of Transportation. The jurisdiction of the Court of Claims is limited to claims "against the state or any of its departments or officers." MCL 600.6419(1)(a). A city is not "the state or any of its departments or officers," and the Court lacks jurisdiction to consider claims against city governments. Accordingly, the Court DISMISSES IN PART plaintiff's complaint limited to the claims against the City of Battle Creek without prejudice and without limiting plaintiff's ability to file suit in the circuit court.

As to the claims raised against the Michigan Department of Transportation, 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. Although plaintiff alleges that he sent notice of his claim to the Michigan Department of Transportation, he did not file a notice of intent to file suit with the clerk of this Court as required by the COCA. The August 27, 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). Accordingly,

IT IS ORDERED:

1. The Court DISMISSES IN PART plaintiff's complaint without prejudice to filing suit against the City of Battle Creek in circuit court.

2. 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.

3. 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.

4. 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.

IT IS SO ORDERED.

Date: 08/27/2026

Michael J. Riordan
Judge, Court of Claims