STATE OF MICHIGAN

COURT OF CLAIMS

KEEPER OF THE WORD FOUNDATION,

Plaintiff,

v Case No. 26-000198-MM

MICHIGAN STATE UNIVERSITY, Hon. Sima G. Patel

Defendant.
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OPINION AND ORDER DENYING PLAINTIFF'S 10/13/26 EMERGENCY MOTION AND GRANTING DEFENDANT'S 10/21/26 MOTION FOR SUMMARY DISPOSITION

Defendant has used educational materials developed by plaintiff in a Global Lessons project since 2006. Defendant relaunched the project in 2021 but removed information attributing the creation of the material to plaintiff. In ¶ 21 of the complaint, plaintiff alleges that defendant concealed the 2021 relaunch and that plaintiff did not discover that defendant was using its materials without attribution until 2024.

Plaintiff filed a notice of intent to file suit on April 13, 2026, and filed its complaint on September 14, 2026. On October 13, 2026, plaintiff also filed an emergency motion for an order to show cause, preservation of evidence, expedited discovery, and a preliminary injunction.

Defendant responded to the emergency motion and also filed a motion for summary disposition. Defendant's first argument is that the Court must dismiss plaintiff's action for failure to timely file notice of its claims pursuant to MCL 600.6431(1) of the Court of Claims Act

(COCA), MCL 600.6401 *et seq*. In its reply brief, plaintiff retorts that its claims did not accrue until December 17, 2025, when defendant fulfilled a request for information under the Freedom of Information Act and plaintiff learned "how and why its name was removed" from the project.

A claim accrues "at the time the wrong upon which the claim is based was done regardless of the time when damage results." MCL 600.5813. The wrong is done "when the plaintiff is harmed rather than when the defendant acted." *Fraser Twp v Haney*, 509 Mich 18, 24; 983 NW2d 309 (2022) (cleaned up). The Court must consider "the actionable harms alleged in a plaintiff's cause of action" and, therefore, must "look to plaintiff's complaint to determine when the wrong upon which the claim is based was done." *Id*. (cleaned up).

It is clear from plaintiff's complaint that the harm was done in 2021 when defendant relaunched its Global Lessons project without attributing the material to plaintiff. Giving plaintiff the benefit of the doubt that defendant concealed its actions, plaintiff concedes in the complaint that it learned of the relaunch sometime in 2024. MCL 600.6431(1) requires a plaintiff to file with the Clerk of the Court of Claims either a notice of intent or a claim within one year of accrual of that claim. Even if plaintiff learned that defendant had relaunched the Global Lessons project without attribution on December 31, 2024, the notice required by MCL 600.6431(1) would have been due by December 31, 2025. And, the Court concludes, the date on which plaintiff learned how and why defendant removed plaintiff's attribution is completely irrelevant to when its claims accrued.

Plaintiff did not file its notice of intent until April 13, 2026, approximately 3½ months beyond the one-year deadline. The requirements of the COCA 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). Accordingly,

1. The Court GRANTS defendant's motion for summary disposition.
2. The Court DENIES the relief sought in plaintiff's emergency motion.
3. The Court DISMISSES plaintiff's claims in their entirety and with prejudice.
4. This is a final order resolving all matters in this action.

Date: November 12, 2026

Sima G. Patel
Judge, Court of Claims