STATE OF MICHIGAN

COURT OF CLAIMS

JESSICA MEPHAM,

Plaintiff,

v

Case No. 26-000228-MZ

LARNELL LEE HILL and THE STATE OF MICHIGAN,

Hon. Randy J. Wallace

Defendants.
_____ /

OPINION AND ORDER GRANTING DEFENDANTS' 10/28/26 UNCONTESTED MOTION FOR SUMMARY DISPOSITION

On September 22, 2026, plaintiff initiated this lawsuit in Saginaw County Circuit Court raising a claim of negligence against defendants Larnell Lee Hill and the State of Michigan under the motor vehicle exception to governmental immunity set forth in MCL 691.1405.[1] According to the allegations in the complaint, the claim arises from a July 16, 2025 collision between the vehicle in which plaintiff was a passenger and a vehicle operated by defendant Hill, "an on-duty Michigan State Police officer operating a state-owned police vehicle within the course and scope of his employment with Defendant STATE."

[1] Plaintiff's complaint also included claims for no-fault benefits against Progressive Michigan Insurance Company, a private entity over which this Court does not have jurisdiction.

On October 27, 2026, defendants transferred the negligence claim against defendants to this Court under MCL 600.6404(3) of the Court of Claims Act (COCA), MCL 600.6401 *et seq*. Defendants moved for summary disposition of the claim under MCR 2.116(C)(7) and (8) on October 28. Plaintiff's response to the motion was due on November 12. See Court of Claims LCR 2.119(C)(2). No response was filed. Defendants' motion is therefore treated as uncontested. Court of Claims LCR 2.119(C)(3). Because the Court concludes that dismissal of the action is required under MCR 2.116(C)(7), the Court will not address defendants' arguments under MCR 2.116(C)(8).

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 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.[2] *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 the state unless the claimant, within one year after the claim has accrued, files in the office of the clerk of the court of claims either a written claim or written notice of intention to file a claim. For a claim against the state for property damage or personal injuries, the claimant "shall file the claim or notice . . . within 6 months after the event that gives rise to the claim." MCL 600.6431(4).

Plaintiff's claim is for personal injuries arising from an automobile accident on July 16, 2025. Plaintiff did not file a notice of intent to file a claim with the clerk of this Court.[3] She filed her complaint on September 22, 2026, more than one year after the accident. Because plaintiff failed to comply with the notice requirements of MCL 600.6431, dismissal of the case is mandated. *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 75; 993 NW2d 392 (2023). The Court

[2] 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").

[3] Plaintiff alleged in her complaint that "pursuant to MCL 691.1401, MCL 691.1405, and MCL 600.6431, Plaintiff provided statutory notice of intent to file a claim to the State Administrative Board c/o Risk Management & Budget, and to the Michigan State Police, Attn: Legal Resources Section, via certified mail, return receipt requested and regular U.S. mail, on November 6, 2025." MCL 691.1401 provides definitions for certain words used in the governmental tort liability act, MCL 691.1401 *et seq*. Unlike MCL 691.1404 (defective highways) and MCL 691.1406 (public buildings), MCL 691.1405 does not contain a statutory notice provision. More importantly, plaintiff does not allege that she filed those notices with the clerk of the court of claims. Failure to comply strictly with the notice provision in MCL 600.6431 mandates dismissal of the claim, even if no prejudice results. *Elia Cos, LLC v Univ of Mich Regents*, 511, Mich 66, 74; 993 NW2d 392 (2023).

therefore GRANTS defendants' uncontested motion for summary disposition under MCR 2.116(C)(7) and DISMISSES the case.

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

Date: November 19, 2026

Hon. Randy J. Wallace
Judge, Court of Claims