

**FY 2017-18
STATUS OF LAWSUITS
INVOLVING THE STATE OF MICHIGAN**



**SENATE FISCAL AGENCY
LANSING, MICHIGAN
JULY 2019**

THE SENATE FISCAL AGENCY

The Senate Fiscal Agency is governed by a board of five members, including the majority and minority leaders of the Senate, the Chairperson of the Appropriations Committee of the Senate, and two other members of the Appropriations Committee of the Senate appointed by the Chairperson of the Appropriations Committee with the concurrence of the Majority Leader of the Senate, one from the minority party.

The purpose of the Agency, as defined by statute, is to be of service to the Senate Appropriations Committee and other members of the Senate. In accordance with this charge, the Agency strives to achieve the following objectives:

1. To provide technical, analytical, and preparatory support for all appropriations bills.
2. To provide written analyses of all Senate bills, House bills, and Administrative Rules considered by the Senate.
3. To review and evaluate proposed and existing State programs and services.
4. To provide economic and revenue analysis and forecasting.
5. To review and evaluate the impact of Federal budget decisions on the State.
6. To review and evaluate State issuance of long-term and short-term debt.
7. To review and evaluate the State's compliance with constitutional and statutory fiscal requirements.
8. To prepare special reports on fiscal issues as they arise and at the request of members of the Senate.

The Agency is located on the 8th floor of the Victor Office Center. The Agency is an equal opportunity employer.



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ACKNOWLEDGMENTS

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This edition of the Lawsuit Report is dedicated to Bill Bowerman, who drafted the report annually beginning in 1984 and who served the Senate and the Agency for 38 years.

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OVERVIEW

The information in this document is based on reports filed by State departments and agencies pursuant to Section 396(3) of the Management and Budget Act (Public Act 431 of 1984) which is included in [Appendix A](#). Based on the amounts reported, the State of Michigan paid \$56.0 million for judgments and settlements in fiscal year (FY) 2017-18. Of the 61 cases that resulted in payments, fourteen were judgments totaling \$3.0 million, and 47 were settlements totaling \$53.0 million.¹

Payments in FY 2017-18 were \$35.2 million (-45.7%) lower than the \$91.2 million reported in FY 2016-17. The department with the largest variation in payments from FY 2016-17 to FY 2017-18 was the Department of Health and Human Services (DHHS), where payments decreased by \$52.8 million. The main reason for the decrease was the \$52.9 million settlement in the *Barry v Lyon* class action in FY 2016-17, which alleged the wrongful denial of food assistance payments. Federal funding paid for the \$52.0 million lump-sum food assistance payment and the State General Fund paid \$964,457 in attorney fees and costs.

Tables on pages 2, 3, and 4 provide a 10-year history (FY 2008-09 through FY 2017-18) of payments made by the State of Michigan. [Table 1](#) provides information on total payments (judgments and settlements), [Table 2](#) lists payments resulting from judgments only, and [Table 3](#) lists settlements. [Table 4](#) and the following narrative provide a summary of departments with payments totaling over \$1.0 million. [Table 5](#) on page 8 provides a history of highway negligence payments from FY 1983-84 through FY 2017-18. [Table 6](#) on page 9 includes a history of payments from the State's Risk Management Fund for automotive liability. Payments from the Fund have historically not been included in amounts reported by departments. Also, small claims approved by the State Administrative Board are not included in this report. [Table 7](#) and information on page 10 through page 12 provide an overview of cases that resulted in payments to the State.

The FY 2017-18 reports submitted by State departments and agencies on payments made by the State follow in [Appendix B](#), beginning on page 14. For each payment, the name of the case is listed along with information regarding the funding source, the county where the cause of action arose, and a brief description of the cause of action (summary of case). This report does not include payments resulting from workers' compensation or unemployment claims.

¹ The number of cases does not reflect the actual total number of cases due to the Department of Treasury's not providing detail on various tax-related cases because of confidentiality requirements in Michigan Compiled Laws (MCL) 205.28(1)(f).

Table 1

TOTAL COURT JUDGMENTS AND SETTLEMENTS PAID BY THE STATE (Actual Dollars)										
Fiscal Year										
DEPARTMENT	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Corrections	\$450,134	\$14,676,073	\$10,571,572	\$15,503,188	\$20,647,428	\$22,478,131	\$26,684,297	\$2,438,094	\$4,045,701	\$3,693,143
Education	455,791	76,458	46,561	49,316	175,000	1,403,678	0	0	0	4,139,572
Health & Human Services	7,224,260	1,433,783	1,608,489	910,711	1,307,498	2,292,681	652,000	1,376,000	53,533,019	683,244
State Police	31,090	89,529	263,296	711,482	276,900	206,952	7,941,500	6,096,839	1,972,500	2,458,217
Transportation	582,000	2,716,961	230,662	2,538,165	322,900	4,352,879	5,514	73,000	279,500	1,325,000
Treasury	2,087,042	111,752	939,330	55,432,447	62,199,908	34,995,645	1,555,312	65,841,278	29,166,805	43,285,536
Other Departments	1,019,516	899,865	2,264,453	988,340	709,892	4,866,730	4,922,430	1,139,751	2,206,137	1,787,492
TOTAL	\$11,849,833	\$20,004,421	\$15,924,363	\$76,133,649	\$85,639,526	\$70,596,696	\$41,761,052	\$76,964,963	\$91,203,661	\$56,047,204

Table 2

**COURT JUDGMENTS PAID BY THE STATE
(Actual Dollars)**

Fiscal Year

DEPARTMENT	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Corrections	\$8,287	\$4,006	\$41,551	\$34,656	\$458,248	\$3,369	\$6,082	\$1,300	\$379,886	\$33,933
Education	455,791	76,458	46,561	49,316	0	1,348,678	0	0	0	0
Health & Human Services	4,500	9,582	0	0	0	0	0	0	166,396	0
State Police	9,590	15,000	0	1,250	33,000	0	0	6,021,839	0	556,717
Transportation	0	0	0	0	0	0	14	0	0	0
Treasury	87,042	51,752	550,000	39,397,366	0	2,776,677	408,033	27,532,436	16,573,281	2,307,400
Other Departments	288,212	207,739	159,824	182,062	196,952	2,189,420	1,888,914	6,000	0	150,000
TOTAL	\$853,422	\$364,537	\$797,936	\$39,664,650	\$688,200	\$6,318,144	\$2,303,042	\$33,561,575	\$17,119,563	\$3,048,050

Table 3

**SETTLEMENTS PAID BY THE STATE
(Actual Dollars)**

Fiscal Year

DEPARTMENT	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Corrections	\$441,847	\$14,672,067	\$10,530,021	\$15,468,532	\$20,189,180	\$22,474,762	\$26,678,215	\$2,436,794	\$3,665,814	\$3,659,210
Education	0	0	0	0	175,000	55,000	0	0	0	4,139,572
Health & Human Services	7,719,760	1,424,201	1,608,489	910,711	1,307,498	2,292,681	652,000	1,376,000	53,366,623	683,244
State Police	21,500	74,529	263,296	710,232	243,900	206,952	7,941,500	75,000	1,972,500	1,901,500
Transportation	582,000	2,716,961	230,662	2,538,165	322,900	4,352,879	5,500	73,000	279,500	1,325,000
Treasury	2,000,000	60,000	389,330	16,035,081	62,199,908	32,218,968	1,147,279	38,308,842	12,593,524	40,978,137
Other Departments	731,304	692,126	2,104,629	806,278	512,940	2,677,310	3,033,516	1,133,751	2,206,137	312,492
TOTAL	\$10,996,411	\$19,639,884	\$15,126,427	\$36,468,999	\$84,951,326	\$64,278,552	\$39,458,009	\$43,403,388	\$74,084,098	\$52,999,155

PAYMENTS BY DEPARTMENTS

In FY 2017-18, five State departments made payments totaling more than \$1.0 million. Table 4 and the following narrative summarize these payments.

Table 4
FY 2017-18
PAYMENTS BY DEPARTMENT

DEPARTMENT	STATE PAYMENTS	PERCENT OF TOTAL
Corrections	\$3,693,142.72	6.6%
Education	4,139,571.51	7.4
State Police	2,458,217.19	4.4
Transportation	1,325,000.00	2.4
Treasury	43,285,536.46	77.2
Other Departments	1,145,736.48	2.0
TOTAL	\$56,047,204.36	100.0%

Corrections

The Department of Corrections made payments in 33 cases totaling \$3.7 million. Payments ranged from a \$1 judgment for false misconduct reports to \$1.1 million for employee harassment in *Woods v. MDOC*. Four cases with payments over \$250,000 each accounted for \$2.5 million (67.0%) of the payments made by the Department of Corrections in FY 2017-18.

Education

The Department of Education settled one case for \$4.1 million in *D.R., et al v. Michigan Department of Education, et al*, a class action that alleged the Department, Genesee School District, and Flint Community Schools failed to identify and evaluate children exposed to lead during the Flint water crisis. The complaint, filed by the American Civil Liberties Union sought injunctive relief, costs, and attorneys' fees. The settlement amount will provide grants and funds for the planning and implementation of a lead screening program for Flint children.

State Police

The Michigan State Police (MSP) made payments in nine cases totaling just under \$2.5 million. In *Does 1-5 v. Snyder*, the State Police settled for \$1.8 million for attorneys' fees for a case involving a Federal *ex post facto* challenge to portions of Michigan's Sex Offenders Registration Act. The State Police also paid a judgment of \$556,632 in a sexual harassment lawsuit, *Mys v. MSP*.

Transportation

The Department of Transportation made two settlement payments totaling over \$1.3 million. The Department settled a case with the City of Highland Park for \$1.0 million after the City had originally sued for over \$17.0 million in allegedly unpaid costs owed by the Department dating back to 1986 for the treatment of interstate stormwater run-off. In *Evennou v. MDOT*, the Department settled a negligence case for \$325,000 for a sinkhole defect that caused injuries to a motorcycle driver. The Department also settled a negligence claim in *Mehay v. MDOT & Garza*; however, claims from a second plaintiff in that case have not been fully litigated. Because the whole case is still unresolved, the settlement amount for the first plaintiff is not included in this report.

Treasury

The Department of Treasury made payments totaling \$43.3 million. Settlements designated "Various for Tax Related Cases" accounted for \$40.8 million (94.2%) of FY 2017-18 payments made by the Department. Details on these cases are not provided due to MCL 205.28(1)(f). That section of the law provides, in part:

Except as otherwise provided in this subdivision, in subsection (6) or (7), or in section 23a, an employee, authorized representative, or former employee or authorized representative of the department or anyone connected with the department shall not divulge any facts or information obtained in connection with the administration of a tax or information or parameters that would enable a person to ascertain the audit selection or processing criteria of the department for a tax administered by the department.

Three judgments listed by the Department were the result of Wrongful Imprisonment Compensation Act claims. These included *Carter* (\$839,191), *Ricks* (\$1,034,853), and *Sanford* (\$433,356).

Highway Negligence Cases

From FY 1983-84 through FY 2017-18, the State paid \$237.2 million resulting from 1,178 highway negligence cases. Since FY 1999-2000, total payments and the number of cases resulting from highway negligence litigation have declined dramatically. In FY 2013-14, no payments resulted from defective highway claims. There was one payment of \$5,500 in FY 2014-15 and two cases with payments totaling \$73,000 in FY 2015-16. In FY 2016-17, there was a payment of \$4,500 for one case involving an alleged defect (pothole) in a crosswalk on M-37 resulting in an injury to plaintiff's ankle. In FY 2017-18, there was one settlement of \$325,000 for injuries sustained by motorcycle driver when he hit a sinkhole in Highland Park.

Of the total amount paid for highway negligence cases since FY 1983-84, \$225.4 million (95.2%) was paid before FY 2000-01. The reduction in payments is attributed to statutory changes and rulings by the Michigan Supreme Court that limited the State's exposure to liability. Table 5 provides a history of highway negligence payments by fiscal year from FY 1983-84 through FY 2017-18.

Table 5

HIGHWAY NEGLIGENCE STATISTICS				
FISCAL YEAR	NUMBER OF CASES	JUDGMENTS	SETTLEMENTS	TOTAL PAYMENTS
1983-84	62	\$12,541,651	\$2,444,976	\$14,986,627
1984-85	55	4,399,001	4,128,751	8,527,752
1985-86	64	3,242,143	4,347,140	7,589,283
1986-87	69	22,699,603	4,151,959	26,851,562
1987-88	81	5,195,041	10,897,265	16,092,306
1988-89	90	2,869,944	12,151,689	15,021,633
1989-90	86	8,908,886	8,460,458	17,369,344
1990-91	83	10,043,560	10,353,328	20,396,888
1991-92	93	6,018,686	6,606,453	12,625,139
1992-93	70	11,290,468	8,968,167	20,258,635
1993-94	79	5,107,256	7,472,542	12,579,798
1994-95	47	1,871,956	8,010,456	9,882,412
1995-96	52	661,000	8,413,595	9,074,595
1996-97	50	1,331,974	9,679,852	11,011,826
1997-98	39	0	6,084,715	6,084,715
1998-99	33	0	4,721,422	4,721,422
1999-2000	34	2,875,000	9,461,500	12,336,500
2000-01	12	0	668,400	668,400
2001-02	14	0	1,222,240	1,222,240
2002-03	10	0	458,500	458,500
2003-04	12	0	1,521,200	1,521,200
2004-05	10	0	1,443,250	1,443,250
2005-06	9	0	614,000	614,000
2006-07	6	0	1,327,776	1,327,776
2007-08	4	0	246,000	246,000
2008-09	2	0	520,000	520,000
2009-10	1	0	2,500,000	2,500,000
2010-11	1	0	10,000	10,000
2011-12	2	0	679,000	679,000
2012-13	3	0	122,900	122,900
2013-14	0	0	0	0
2014-15	1	0	5,500	5,500
2015-16	2	0	73,000	73,000
2016-17	1	0	4,500	4,500
2017-18	1	0	325,000	325,000
TOTAL	1,177	\$99,056,169	\$138,095,534	\$237,151,703

Source: Michigan Department of Transportation

RISK MANAGEMENT FUND

The Risk Management Fund was administratively established to account for specific centralized risk management functions performed for all State agencies by the Department of Management and Budget (now the Department of Technology, Management, and Budget). Effective July 1, 1992, the State became self-insured for automotive liability claims. Motor transport charges to State departments and agencies include a cost associated with projected automotive liability. This amount is deposited in the State's Risk Management Fund. Automotive liability payments that do not exceed \$1.0 million are paid from the Fund. Table 6 provides a history of payments from the Fund. Amounts are reported based on the fiscal year in which the payment was made, and therefore do not necessarily reflect the year in which the liability occurred.

Table 6

RISK MANAGEMENT FUND AUTOMOTIVE LIABILITY PAYMENTS			
Fiscal Year		Fiscal Year	
1991-92	\$28,318	2005-06	\$1,457,041
1992-93	138,194	2006-07	2,506,962
1993-94	435,862	2007-08	1,316,613
1994-95	1,135,659	2008-09	1,432,166
1995-96	1,977,178	2009-10	863,269
1996-97	1,743,580	2010-11	798,449
1997-98	1,223,622	2011-12	1,840,225
1998-99	3,985,189	2012-13	188,624
1999-2000	775,972	2013-14	464,963
2000-01	2,590,458	2014-15	1,903,191
2001-02	1,780,009	2015-16	1,307,957
2002-03	2,487,429	2016-17	654,843
2003-04	2,718,182	2017-18	2,303,638
2004-05	2,941,684		

PAYMENTS TO THE STATE OF MICHIGAN

Table 7 and the following information provide a summary of FY 2017-18 lawsuit payments to the State as reported by departments pursuant to Section 396(3) of the Management and Budget Act.

Table 7

FY 2017-18 JUDGMENTS AND SETTLEMENTS PAID TO THE STATE (Actual Dollars)	
DEPARTMENT	Amount
Agriculture	\$5,000.00
Attorney General	227,394,953.86
Civil Service	57,190.00
Corrections	2,918,391.19
Environmental Quality	5,403,127.10
Insurance and Financial Services	20,000.00
Natural Resources	607,107.54
Transportation	2,342,527.88
Treasury	72,242,618.76
TOTAL	\$310,990,916.33

Attorney General

The amount reported by the Department of Attorney General, \$227.4 million, resulted from annual payments under the Master Tobacco Settlement Agreement. The 1998 settlement resolved public health-related claims filed by Michigan and other states against the nation's major tobacco companies. The total FY 2017-18 amount received by the State under the Master Tobacco Settlement Agreement (as reported by the Department of Treasury) was \$299.6 million. The difference between that amount and the amount reported by the Department of Attorney General is accounted for under payments to the Department of Treasury (\$72.2 million) and is due to securitization of a portion of the payments owed to the State.

Payments reported by the Department of Attorney General only include lawsuit proceeds deposited into the State Treasury by the Attorney General. They do not include lawsuit proceeds deposited in the State Treasury by other State agencies.

Corrections

All of the payments listed by the Department of Corrections resulted from cases filed under the State Correctional Facility Reimbursement Act. The Department reported 347 cases with net payments to the State totaling \$2.9 million. Payments to the State ranged from \$0 to \$208,837. All but three cases resulted in a payment to the State of less than \$100,000, with an average payment of \$8,410.

Pursuant to Section 309 of the FY 2017-18 General Government appropriation act (Article VIII of Public Act 107 of 2017), the Department of Attorney General received an appropriation of \$627,400 from the prisoner reimbursement funds to support activities related to the State Correctional Facility Reimbursement Act. In addition, this appropriation act specified that if the Department of Attorney General collected in excess of \$1,131,000 in gross annual prisoner reimbursement receipts provided to the General Fund, the excess, up to a maximum of \$1.0 million, was appropriated to the Department of Attorney General and could be spent on the representation of the Department of Corrections and its officers, employees, and agents, including the defense of litigation against the State, its departments, officers, employees, or agents in civil actions filed by prisoners.

Environmental Quality

The \$5.4 million recovered by the Department of Environmental Quality (DEQ) in FY 2017-18 mainly involved reimbursement for environmental contamination and other violations of the Natural Resources and Environmental Protection Act. Recoveries in those cases were deposited into various funds (e.g., Environmental Response Fund, Environmental Pollution Prevention Fund, and General Settlement Fund). Settlement revenue is restricted by legal agreements or court orders for specific environmental cleanup activities at specific sites of environmental contamination or restricted to other environmental programs as appropriated. Of the 268 cases reported by the DEQ, 62 were judgments totaling \$2.9 million, and 206 were settlements or the result of other agreements totaling \$2.5 million.

The largest payment reported was \$1.8 million, initially set aside during the Lyondell Chemical Co. bankruptcy proceeding in 2010 for clean-up related to hazardous materials spill at the Allied Paper Mill for a Part 201 (Environmental Remediation) violation.

Insurance and Financial Services

The Department of Insurance and Financial Services listed a single FY 2017-18 settlement payment of \$20,000 from Evans Caseload, Inc. The Department previously listed four payments to the State totaling \$500,000 from *DTMB v. Evans CaseLoad, Inc.* in FY 2016-17. The Department received payments totaling \$405,000 from this settlement in FY 2015-16. The case involved a refund of money paid under an information technology service contract. The FY 2017-18 payment of \$20,000 was the final payment in this multi-year settlement agreement.

Natural Resources

The Department of Natural Resources (DNR) reported four cases with payments to the State totaling \$607,000. Payments to the DNR ranged from \$400 for a case involving restitution for damage to the Oden State Fish Hatchery viewing chamber, to \$477,208 in *MDNR v. Consumers Energy*. The *Consumers* case is a multiyear settlement that began in 1995 and will continue through 2035. The FY 2016-17 payment was \$486,978. The Fisheries Settlement Fund was established to receive payments by Consumers. Settlement funds are earmarked and subsequently used for habitat mitigation work in the area or watershed where the violation occurred. Since 1995, payments by Consumers have totaled \$14.2 million.

Transportation

Payments to the Michigan Department of Transportation (MDOT) totaled \$2.3 million, from 14 settlements and two small judgments. One of the judgments was for \$7,200 in nonpayment of permits dating back to 2010. All other payments were the result of damage to MDOT's trunkline system, and were paid into the MDOT's State Trunkline Fund. Three settlements were particularly expensive, resulting in payments to MDOT in the amounts of \$225,000 for damage to the Portage Lake Lift Bridge, \$460,000 for damage to the trunkline bridge at I-75 and Miller Road in Flint, and \$143,208 for damage to a trunkline bridge on I-94 in Berrien County.

Treasury

The Department of Treasury reported payments of \$299.6 million related to the Master Tobacco Settlement Agreement with the tobacco companies. To avoid double-counting due to the amount reported by the Department of Attorney General for that case, the amount listed under Department of Treasury in Table 7 reflects only the \$72.2 million allocated for debt service on the securitized portion of the Master Tobacco Settlement Agreement revenue.

CONCLUSION

This report provides a summary and analysis of information supplied by State departments pursuant to Section 396 of the Management and Budget Act (Public Act 431 of 1984), which is included as Appendix A. Reports submitted by State departments and agencies on payments made by the State are included in Appendix B. For each payment, the name of the case is listed along with information regarding the funding source, the county where the cause of action arose, and a brief description of the cause of action (summary of case). Further information on specific cases is the province of the defendant department and the Department of Attorney General.

APPENDIX A

Section 396 of the Management and Budget Act (1984 PA 431)

18.1396 Paying or recording certain expenditures from appropriations; notice of certain settlements or consent judgments; report.

Sec. 396. (1) From the appropriations contained in a budget act, a state agency shall pay or record expenditures for the following:

(a) Court judgments, including court approved consent judgments; all settlements, awards, and claims.

(b) Write offs of accounts receivable recorded in a prior year.

(2) The attorney general shall notify the senate and house appropriations committees, the speaker of the house, the senate majority leader, and the fiscal agencies within 14 days after entering into a settlement or consent judgment which would result in a state obligation that exceeds \$200,000.00. The notice shall include a summary of the facts of the case and the reason or reasons that the settlement or consent judgment would be in the best interests of the state.

(3) Before December 1 of each year, each principal department shall transmit to the appropriations committees and fiscal agencies a written report which includes all of the following:

(a) The total dollar amount of final judgments and settlements against the principal department for the most recent completed fiscal year.

(b) Each source of funding and item appropriating money in a budget act, which source and item is used to pay the judgments and settlements pursuant to subdivision (a).

(c) The total dollar amount of final judgments and settlements received in the most recent completed fiscal year pursuant to legal actions by the principal department.

(d) Each revenue account in which money was credited pursuant to subdivision (c).

(e) An estimate of the total dollar amount and a description of the facts involved in each court action currently pending against the department for the most recently completed fiscal year

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: CORRECTIONS

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Bouldrey, Chris v. MDOC, et al.	\$24,296.38	\$0	General Fund	Jackson	Freedom of Information - An employee who FOIA'ed personnel records claims the personnel records request was erroneously denied under the FOIA.
Gooding, Mark v. Parole Board Michigan COA	436.40	0	General Fund	Ingham	Petition for Review - Costs assessed for prevailing on appeal in the Michigan Court of Appeals.
Hannon, Anthony v. Jeffrey Woods, et al.	1.00	0	General Fund	Chippewa	Harassment - Plaintiff alleges defendant wrote false misconducts.
Moore, Anthony v. Carla Davis, et al.	600.00	0	General Fund	Chippewa	Failure to Protect - Prisoner claimed that he advised a correctional officer he was being threatened by another prisoner and then assaulted by that prisoner.
Scott Lewis Private Investigations LLC v. MDOC	7,052.28	0	General Fund	Ingham	FOIA - Attorney fees ordered as a result of Plaintiff prevailing in claim that records were improperly exempted from disclosure.
Scott Lewis Private Investigations LLC v. MDOC	1,000.00	0	General Fund	Ingham	FOIA - Punitive damages ordered as a result of Plaintiff prevailing in claim that records were improperly exempted.
Smith, Derrick v. Lynda Weers, et al.	505.00	0	General Fund	Branch	Retaliation/Harassment - Costs assessed for prevailing on appeal.
Taylor, Terrance Lee, debtor Chapter 7 Bankruptcy	41.72	0	General Fund	Saginaw	Miscellaneous - Costs awarded in Plaintiff's bankruptcy.
FY 2017-18 TOTAL:	\$33,932.78	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Bradford, Leonard v. Daniel Heyns, et al.	\$1,400.00	\$0	General Fund	Chippewa	Religion - Plaintiff claims defendants confiscated religious items which are necessary to practice his religion.
Bradford, Parnell v. David Isard, et al.	10,000.00	0	General Fund	Chippewa	Failure to Protect - Plaintiff alleges that defendants failed to protect him from assault by another prisoner.
Bradley, James v. Judy Laberde, et al.	175,000.00	0	General Fund	Monroe	Employee - Plaintiff alleges racial discrimination and retaliation.
Carter, Perry v. Ronald Grambau	600.00	0	General Fund	Manistee	Access to Courts - Plaintiff alleges that defendant denied him access to courts by failing to process legal mail.
Canty, Brandon v. MDOC, et al.	175,000.00	0	General Fund	Lenawee	Employee discrimination.
Deweest, James v. MDOC, et al.	5,000.00	0	General Fund	Ionia	Conditions of Confinement - Plaintiff alleges defendants denied him access to personal hygiene items.
Doe, John v. Anderson, et al.	350,000.00	0	General Fund	Macomb	Plaintiffs claiming retaliation and harassment by MDOC employees due to Plaintiff's involvement with John Doe lawsuits.
Dorn, John v. MDOC, et al.	150,000.00	0	General Fund	Baraga	Medical - Plaintiff alleges violation of the ADA and Rehabilitation Act based on his HIV status.
Jennings, Mark II v. Heidi Washington, et al.	40,000.00	0	General Fund	Montcalm	Failure to Protect - Plaintiff alleges defendant failed to protect him and he was assaulted by his cellmate.
Johnson, Anthony v. Mark Wallis, et al.	600.00	0	General Fund	Macomb	Harassment/Retaliation - Plaintiff alleges defendants threatened him, destroyed property, and falsified misconduct reports.

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Ludwick, Larriann v. MDOC, et al.	180,000.00	0	General Fund	Ingham	Employee - Plaintiff alleges sexual discrimination.
Maddox, Keith-EI v. Robert Hansen, et al.	5,597.19	0	General Fund	Chippewa	Property - Plaintiff alleges that defendants wrongfully confiscated his property.
McCracken, Mark v. Randall Hass, et al.	275,000.00	0	General Fund	Jackson	Failure to Protect - Plaintiff alleges that defendants failed to protect him.
R.A.M. Construction Services of Michigan v. MDOC, et al.	82,500.00	0	General Fund	Jackson	Miscellaneous - Plaintiff alleges they were not fully compensated for repair work completed at Parnall Correctional Facility.
Roden, Jonathan v. Unknown Slater	238.75	0	General Fund	Chippewa	Retaliation - Plaintiff alleges that defendant retaliated against him which resulted in seating restrictions in the visiting room.
Ruth, Marion Merritt, Personal Rep of the Estate of Sidney Gurdy v. Susan Frey-Latta, et al.	750,000.00	0	General Fund	Lenawee	Medical - Plaintiff alleges defendants were deliberately indifferent to his serious medical need.
Sanders, Jason v. Willie Smith, et al.	4,300.00	0	General Fund	Ionia	Use of Force - Plaintiff alleges defendants used excessive force injuring his finger, requiring stitches.
Smith, Derrick v. Lynda Weers, et al.	350.00	0	General Fund	Branch	Retaliation/Harassment - Plaintiff alleges the defendants retaliated against him for filing a lawsuit.
Smith, William v. Anthony Stewart, et al.	199,999.00	0	General Fund	Wayne	Employee - Plaintiff alleges discrimination.
Stanley, Johnny v. Kathleen Olson, et al.	8,750.00	0	General Fund	Chippewa	Condition of Confinement - Plaintiff alleges defendants denied him access to crutches while in segregation, exacerbating his injuries.
Sweezer, Jerome v. Debra Scutt, et al.	1,200.00	0	General Fund	Jackson	Property - Plaintiff alleges that staff improperly confiscated his property.

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Tapley, Craig v. MDOC, et al.	1,175.00	0	General Fund	Jackson	Miscellaneous - Property damage.
Weberg, Merrienne Weberg v. MDOC, et al.	142,500.00	0	General Fund	Macomb	Employee - Plaintiff alleges age discrimination.
Woods, Shannon v. MDOC, et al.	1,100,000.00	0	General Fund	Wayne	Employee - Plaintiff alleges harassment.
FY 2017-18 TOTAL:	\$3,659,209.94	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: EDUCATION

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
D.R., et al. v. MDE, et al.	\$4,139,571.51	\$0	General Fund/ General Purpose	Genesee	MDE allegedly failed to properly identify and evaluate children exposed to lead during the Flint water crisis for services under the IDEA.
FY 2017-18 TOTAL:	\$4,139,571.51	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: HEALTH AND HUMAN SERVICES

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Harrison v. DHHS	\$90,000.00	\$0	General Fund	Wayne	Employee lawsuit where employee alleged he was retaliated against for grieving decision by DHHS to terminate his employment.
Andriacchi v. DHHS	30,000.00	0	40% GF, 60% Federal	Marquette	Employee lawsuit where employee alleged her rights were violated under FMLA and the Elliot-Larsen Civil Rights Act.
Dwayne B. v. DHHS	81,027.18	0	Federal	Statewide	Attorney fees, class action lawsuit regarding MI foster care system.
Roland-Dodd v. DHHS	199,000.00	0	General Fund	Wayne	Employee lawsuit where employee alleged discrimination based on disability under the ADA.
Acosta v. DHHS	23,125.44	0	General Fund	Kalamazoo	Employee lawsuit where employee alleged his rights were violated under FLMA.
CK v. DHHS, et al.	16,250.00	0	General Fund	Oakland	Plaintiff alleged Defendants failed to provide timely and appropriate medical care and support services.
JV/MR v. DHHS	199,000.00	0	General Fund	Statewide	Lawsuit over Medicaid payment of Hepatitis C medications.
Barry v. Lyon	44,841.50	0	General Fund	Statewide	Attorney fees and cost regarding denial of food assistance because of criminal justice disqualification.
FY 2017-18 TOTAL:	\$683,244.12	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: JUDICIARY

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Lindbert v. State of Michigan, COA	\$288,750.00	\$0	General Fund	Oakland	Disability and age discrimination.
FY 2017-18 TOTAL:	\$288,750.00	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: LICENSING AND REGULATORY AFFAIRS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Phillip Forner v. Department of Licensing and Regulatory Affairs	\$1,584.00	\$0	Construction Code Fund	Wayne	Violation of Freedom of Information Act.
FY 2017-18 TOTAL:	\$1,584.00	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: NATURAL RESOURCES

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Pratt, et al v. State of Michigan	\$9,158.36	\$0	General Fund	Allegan, Cass, and Washtenaw	Lake level assessment.
Nancy Warren v. Michigan Department of Natural Resources	11,000.00	0	Game and Fish Protection Fund	Wayne	Freedom of Information Act dispute.
Michigan Occupational Safety and Health Administration v. Michigan Department of Natural Resources	2,000.00	0	Park Improvement Fund - Belle Isle Subaccount	Wayne	Citations and penalties were issued following a health inspection at Belle Isle State Park; amounts were reduced per a settlement agreement.
FY 2017-18 TOTAL:	\$22,158.36	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: STATE POLICE

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Zerbe v. MSP	\$85.00	\$0	General Fund	Genesee	Tow fees.
Mys v. MSP, et al.	556,632.19	0	General Fund	Newaygo	Sexual harassment lawsuit.
FY 2017-18 TOTAL:	\$556,717.19	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: STATE POLICE

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Montes, et al. v. Prairieville Township, et al.	\$7,500.00	\$0	General Fund	Barry	Excessive force lawsuit.
Sturgill v. Philipps, et al.	5,000.00	0	General Fund	Genesee	Unreasonable seizure without probable cause.
Daniels v. MSP, et al.	50,000.00	0	General Fund	Ingham	Employer/employee lawsuit.
Roe v. Snyder, et al.	35,000.00	0	General Fund	Oakland	Sex offender registry lawsuit.
Winnick v. Bluhm, et al.	2,500.00	0	General Fund	Washtenaw	Excessive force lawsuit.
Does 1-5, et al. v. Snyder, et al.	1,800,000.00	0	General Fund	Various	Sex offender registry lawsuit.
Doe v. Nowicki, et al.	1,500.00	0	General Fund	Otsego	Sex offender registry lawsuit.
FY 2017-18 TOTAL:	\$1,901,500.00	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: TALENT AND ECONOMIC DEVELOPMENT

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
ADR Consultants LLC v. Michigan Land Bank, et al. (still pending)	\$0.00	\$0			This is a breach of contract claim by ADR concerning consulting services provided to MLB and the Detroit Land Bank Authority for blight elimination projects. The Plaintiff's complaint, pending in the court of claims, seeks approximately \$1.1 million.
Michael West v. Michigan Workforce Development Agency, et al.	150,000.00	0	Talent Investment Agency - Workforce Development	Kent	Discrimination.
FY 2017-18 TOTAL:	\$150,000.00	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: TRANSPORTATION

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
William Evennou v. MDOT	\$325,000.00	\$0	State Trunkline Fund	Wayne	Plaintiff alleged sinkhole/defect on southbound Woodward Avenue in Highland Park caused plaintiff to lose control of his motorcycle and sustain injuries.
City of Highland Park v. MDOT	1,000,000.00	0	State Trunkline Fund	Wayne	Plaintiff alleged fraudulent concealment, quantum meruit, implied contract, and irreparable harm associated with its collection and treatment of the City's storm water that flowed from its highways into its sewer system.
FY 2017-18 TOTAL:	\$1,325,000.00	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: TREASURY

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Davontae Sanford v. State of Michigan	\$433,356.16	\$0	Wrongful Imprisonment - Compensation Fund	Wayne	Wrongful Imprisonment.
Desmond Ricks v. State of Michigan	1,034,852.53	0	Wrongful Imprisonment - Compensation Fund	Wayne	Wrongful Imprisonment.
Quentin L. Carter v. State of Michigan	839,191.00	0	Wrongful Imprisonment - Compensation Fund	Ingham	Wrongful Imprisonment.
FY 2017-18 TOTAL:	\$2,307,399.96	\$0			

APPENDIX B

FISCAL YEAR 2017-18

DEPARTMENT: TREASURY

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Home Protection Unit Victim Reimbursement	\$205,728,03	\$0	Restricted General Fund	Various	Various cases detail cannot be provided as it will violate MCL 205.28(1)(f).
Various for Tax Related Cases	40,772,408.74	0	Various	Various	Various cases detail cannot be provided as it will violate MCL 205.28(1)(f).
FY 2017-18 TOTAL:	\$40,978,136.77	\$0			