

**STATUS OF LAWSUITS  
AGAINST THE STATE OF MICHIGAN  
FY 2001-02 UPDATE**



**SENATE FISCAL AGENCY  
LANSING, MICHIGAN  
MARCH 2003**

## THE SENATE FISCAL AGENCY

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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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## 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). Based on the amounts reported, the State of Michigan paid \$10,186,611 for judgments and settlements in fiscal year (FY) 2001-02. Of the 108 cases that resulted in payments, 24 were judgments totaling \$3,360,209, and 84 were settlements totaling \$6,826,402. Payments in FY 2001-02 were \$4,390,349 (30.1%) less than the \$14,576,960 reported in FY 2000-01.

The funding sources for payments in FY 2001-02 were as follows:

Funding Source	Amount	Percent
State General Fund	\$5,616,871	55.1
State School Aid Fund	2,068,018	20.3
State Trunkline Fund	1,897,922	18.6
Other Funds	603,800	5.9
Total:	\$10,186,611	100.0

Tables on pages 2, 3, and 4 provide a 10-year history (FY 1992-93 through FY 2001-02) 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. Departments that made payments totaling over \$1,000,000 in FY 2001-02 are listed in Table 4 and a summary of the cases begins on page 5. The FY 2001-02 reports for payments submitted by State departments and agencies follow beginning on page 10. 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 and unemployment claims. Table 5 on page 9 includes a history of payments from the State's Risk Management Fund for automotive liability. Payments from the Fund are not included in amounts reported by departments.

This report does not include the final payment to the City of Detroit resulting from the settlement of City of Detroit v State of Michigan. In 1996, legislation was enacted to provide for major restructuring of the court system and to provide equitable State funding of trial courts on a statewide basis (Public Acts 374, 388, and 524 of 1996). Among other changes, Public Act 374 of 1996 created a new formula for providing funding to all 83 counties through a new Court Equity Fund. A Hold Harmless Fund also was established for FY 1996-97 through FY 2000-01 to phase in the impact of the 1996 legislation. City of Detroit v State of Michigan involved a dispute regarding the calculation of Hold Harmless payments. The final payment related to the settlement of this case was made in FY 2001-02 from work project funds from Hold Harmless Fund Reimbursement appropriations (FY 1996-97 through FY 2000-01) and did not require additional appropriations from the State.

Table 1

TOTAL COURT JUDGMENTS AND SETTLEMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02
Agriculture	\$30,895	\$75,800	\$34,000	\$100,500	\$224,710	\$10,000	\$0	\$133,058	\$789	\$12,500
Attorney General	0	0	0	0	0	0	0	0	100,000	83,308
Career Development							0	0	0	0
Civil Rights	0	0	757	0	0	0	0	0	0	0
Civil Service	0	0	0	0	30,000	0	0	0	0	0
Commerce	0	7,000	231,467							
Community Health				727,838	908,000	2,131,565	659,922	149,088	106,000	387,750
Consumer & Industry Services				0	21,595	153,928	178,460	19,459	1,917,304	0
Corrections	1,859,508	3,554,111	4,969,224	2,581,259	4,639,321	3,227,817	1,780,090	5,465,079	5,371,081	3,380,386
Education	4,718,571	5,629,103	5,333,941	5,331,636	1,878,837	213,832,688	1,705,551	1,628,259	1,368,306	2,123,500
Environmental Quality				358,459	98,870	2,566	10,998	1,516,756	0	0
Executive	0	0	0	0	0	0	0	0	0	0
Family Independence Agency				511,587	1,399,850	2,115,076	320,938	107,311	1,520,345	339,422
History, Arts, & Libraries										1,000
Information Technology										0
Judiciary	0	248,332	268,250	45,000	724,000	0	10,000	0	0	0
Labor	16,300	306,700	0							
Library of Michigan	0	1,109,312	0	0	0	0	0	0	0	0
Lottery	0	55,721	4,000	0	13,420	13,581	17,565	1,500	0	0
Management & Budget	21,000	113,863	85,000	126,170	106,000	5,500	75,000	22,500	1,611,654	308,641
Mental Health	2,140,651	379,850	515,500							
Michigan Jobs Commission			1,951,024	3,500	156,239	23,681				
Michigan Strategic Fund							0	0	0	0
Military Affairs	0	0	0	25,000	225,000	2,405,000	90,000	0	8,793	0
Natural Resources	310,338	6,951,821	2,005,360	93,859,495	3,442,198	2,906,895	1,872,915	17,787,910	299,756	47,177
Public Health	687,240	38,365	318,959							
Social Services	1,095,341	274,776	2,727,681							
State	0	77,500	3,400	67,500	7,500	1,817	101,460	36,400	1,000	150
State Police	5,698,133	137,850	1,268,771	1,220,853	873,069	868,141	787,057	513,664	875,572	1,424,855
Transportation	20,922,840	12,871,557	9,882,412	9,567,095	11,080,416	8,383,808	5,074,922	13,046,755	1,396,360	1,897,922
Treasury	0	968,328	7,500	0	65,669	11,500	0	107,659	0	180,000
<b>TOTAL:</b>	<b>\$37,500,817</b>	<b>\$32,799,989</b>	<b>\$29,607,246</b>	<b>\$114,525,892</b>	<b>\$25,894,694</b>	<b>\$236,093,563</b>	<b>\$12,684,878</b>	<b>\$40,535,398</b>	<b>\$14,576,960</b>	<b>\$10,186,611</b>

Table 2

COURT JUDGMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02
Agriculture	\$30,895	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$789	\$0
Attorney General	0	0	0	0	0	0	0	0	100,000	81,808
Career Development							0	0	0	0
Civil Rights	0	0	757	0	0	0	0	0	0	0
Civil Service	0	0	0	0	0	0	0	0	0	0
Commerce	0	0	0							
Community Health				50,000	136,000	0	310,422	21,633	1,000	250
Consumer & Industry Services				0	15,000	100,000	160,000	0	417,304	0
Corrections	1,224,624	2,589,407	3,784,529	1,472,162	2,905,509	1,165,825	627,851	428,729	3,106,093	1,067,178
Education	4,718,571	5,629,103	5,333,941	5,331,636	1,297,349	213,823,188	1,684,540	1,628,259	1,368,306	2,123,500
Environmental Quality				239,459	0	2,566	10,998	1,516,756	0	0
Executive	0	0	0	0	0	0	0	0	0	0
Family Independence Agency				0	1,066	3,310	0	764	0	8,682
History, Arts & Libraries										0
Information Technology										0
Judiciary	0	0	0	0	0	0	0	0	0	0
Labor	0	251,700	0							
Library of Michigan	0	1,109,312	0	0	0	0	0	0	0	
Lottery	0	0	0	0	0	0	0	0	0	0
Management & Budget	0	113,863	45,000	120,000	0	0	0	22,500	1,611,654	78,641
Mental Health	87,500	0	0							
Michigan Jobs Commission			0	3,500	0	0				
Michigan Strategic Fund							0	0	0	0
Military Affairs	0	0	0	0	5,000	2,400,000	0	0	0	0
Natural Resources	0	192,870	242,834	201,811	901,193	2,901,395	409,888	1,537,910	152,162	0
Public Health	0	38,365	60,289							
Social Services	29,223	1,520	2,137							
State	0	2,500	0	0	0	0	0	0	0	150
State Police	5,125,633	9,650	762,500	0	3,569	0	0	0	0	0
Transportation	11,290,468	5,107,256	1,871,956	661,000	1,331,974	0	0	2,875,000	0	0
Treasury	0	8,328	0	0	15,669	0	0	0	0	0
<b>TOTAL:</b>	<b>\$22,506,914</b>	<b>\$15,053,874</b>	<b>\$12,103,943</b>	<b>\$8,079,568</b>	<b>\$6,612,329</b>	<b>\$220,396,284</b>	<b>\$3,203,699</b>	<b>\$8,031,551</b>	<b>\$6,757,308</b>	<b>\$3,360,209</b>

Table 3

SETTLEMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02
Agriculture	\$0	\$75,800	\$34,000	\$100,500	\$224,710	\$10,000	\$0	\$133,058	\$0	\$12,500
Attorney General	0	0	0	0	0	0	0	0	0	1,500
Career Development							0	0	0	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	0	0	0	0	30,000	0	0	0	0	0
Commerce	0	7,000	231,467							
Community Health				677,838	772,000	2,131,565	349,500	127,455	105,000	387,500
Consumer & Industry Services				0	6,595	53,928	18,460	19,459	1,500,000	0
Corrections	634,884	964,704	1,184,695	1,109,097	1,733,812	2,061,992	1,152,239	5,036,350	2,264,988	2,313,208
Education	0	0	0	0	581,488	9,500	21,011	0	0	0
Environmental Quality				119,000	98,870	0	0	0	0	0
Executive	0	0	0	0	0	0	0	0	0	0
Family Independence Agency				511,587	1,398,784	2,111,766	320,938	106,547	1,520,345	330,740
History, Arts & Libraries										1,000
Information Technology										0
Judiciary	0	248,332	268,250	45,000	724,000	0	10,000	0	0	0
Labor	16,300	55,000	0							
Library of Michigan	0	0	0	0	0	0	0	0	0	0
Lottery	0	55,721	4,000	0	13,420	13,581	17,565	1,500	0	0
Management & Budget	21,000	0	40,000	6,170	106,000	5,500	75,000	0	0	230,000
Mental Health	2,053,151	379,850	515,500							
Michigan Jobs Commission			1,951,024	0	156,239	23,681				
Michigan Strategic Fund							0	0	0	0
Military Affairs	0	0	0	25,000	220,000	5,000	90,000	0	8,793	0
Natural Resources	310,338	6,758,951	1,762,526	93,657,684	2,541,005	5,500	1,463,027	16,250,000	147,594	47,177
Public Health	687,240	0	258,670							
Social Services	1,066,118	273,256	2,725,544							
State	0	75,000	3,400	67,500	7,500	1,817	101,460	36,400	1,000	0
State Police	572,500	128,200	506,271	1,220,853	869,500	868,141	787,057	513,664	875,572	1,424,855
Transportation	9,632,372	7,764,301	8,010,456	8,906,095	9,748,442	8,383,808	5,074,922	10,171,755	1,396,360	1,897,922
Treasury	0	960,000	7,500	0	50,000	11,500	0	107,659	0	180,000
<b>TOTAL:</b>	<b>\$14,993,903</b>	<b>\$17,746,115</b>	<b>\$17,503,303</b>	<b>\$106,446,324</b>	<b>\$19,282,365</b>	<b>\$15,697,279</b>	<b>\$9,481,179</b>	<b>\$32,503,847</b>	<b>\$7,819,652</b>	<b>\$6,826,402</b>

PAYMENTS BY DEPARTMENTS

Four State departments made payments totaling over \$1,000,000. Table 4 summarizes the number of cases and payments by department.

Table 4

FY 2001-02 PAYMENTS BY DEPARTMENT				
DEPARTMENT	NUMBER OF CASES	PERCENT OF TOTAL	STATE PAYMENTS	PERCENT OF TOTAL
CORRECTIONS	38	35.2	\$3,380,386	33.2
EDUCATION	2	1.8	2,123,500	20.8
STATE POLICE	10	9.3	1,424,855	14.0
TRANSPORTATION	20	18.5	1,897,922	18.6
OTHER DEPARTMENTS	38	35.2	1,359,948	13.4
TOTAL:	108	100.0	\$10,186,611	100.0

DEPARTMENT OF CORRECTIONS

The Department of Corrections made payments in 38 cases totaling \$3,380,386. This represents a decrease of \$1,990,695 (37.1%) from the \$5,371,081 reported in FY 2000-01 for 43 cases. Payments ranged from \$100 in two cases (petitions for review) to \$820,519.71 in Graham v MDOC for a case alleging employee discrimination. The total amount paid in Graham was \$2,820,519.71. The Department of Corrections paid \$2,000,000 from FY 2000-01 appropriations and included that amount in the FY 2000-01 Lawsuit Report. Twenty payments in cases alleging employee discrimination resulted in payments totaling \$3,000,228, which represents 88.7% of the total amount paid by the Department of Corrections in FY 2001-02.

## DEPARTMENT OF EDUCATION

Continuing payments in the Berry v Benton Harbor Area School District desegregation case accounted for \$2,068,017 of the \$2,123,500 reported by the Department of Education in FY 2001-02. The State has been making annual payments resulting from this case since FY 1980-81. The original defendants in the case included the Benton Harbor Area School District, the Coloma School District, the Eau Claire School District, the Berrien County Intermediate School District, the Governor, the Attorney General, the State Board of Education, and the State Superintendent of Public Instruction. The United States District Court for the Western District of Michigan, Southern Division, directed the State of Michigan to pay certain expenses related to the court's desegregation remedy plan detailed in the court's order dated May 1, 1981. Most of the payments related to funding to the Benton Harbor Area School District for its resident students who elected to transfer to another school district, and transportation costs. Settlements reached with the Eau Claire School District and the Coloma School District modified the State's school aid funding obligations to those school districts beginning with FY 1995-96 and in subsequent fiscal years. The United States District Court formally released the Coloma School District, the Eau Claire School District, and the Berrien County Intermediate School District from court jurisdiction in November 2001. On April 4, 2002, the State was dismissed from the case, with a phase-out of payments (25% per year) over a five-year period using FY 2001-02 payments as a base. Pursuant to the court order the last year of payments will be FY 2005-06.

## DEPARTMENT OF STATE POLICE

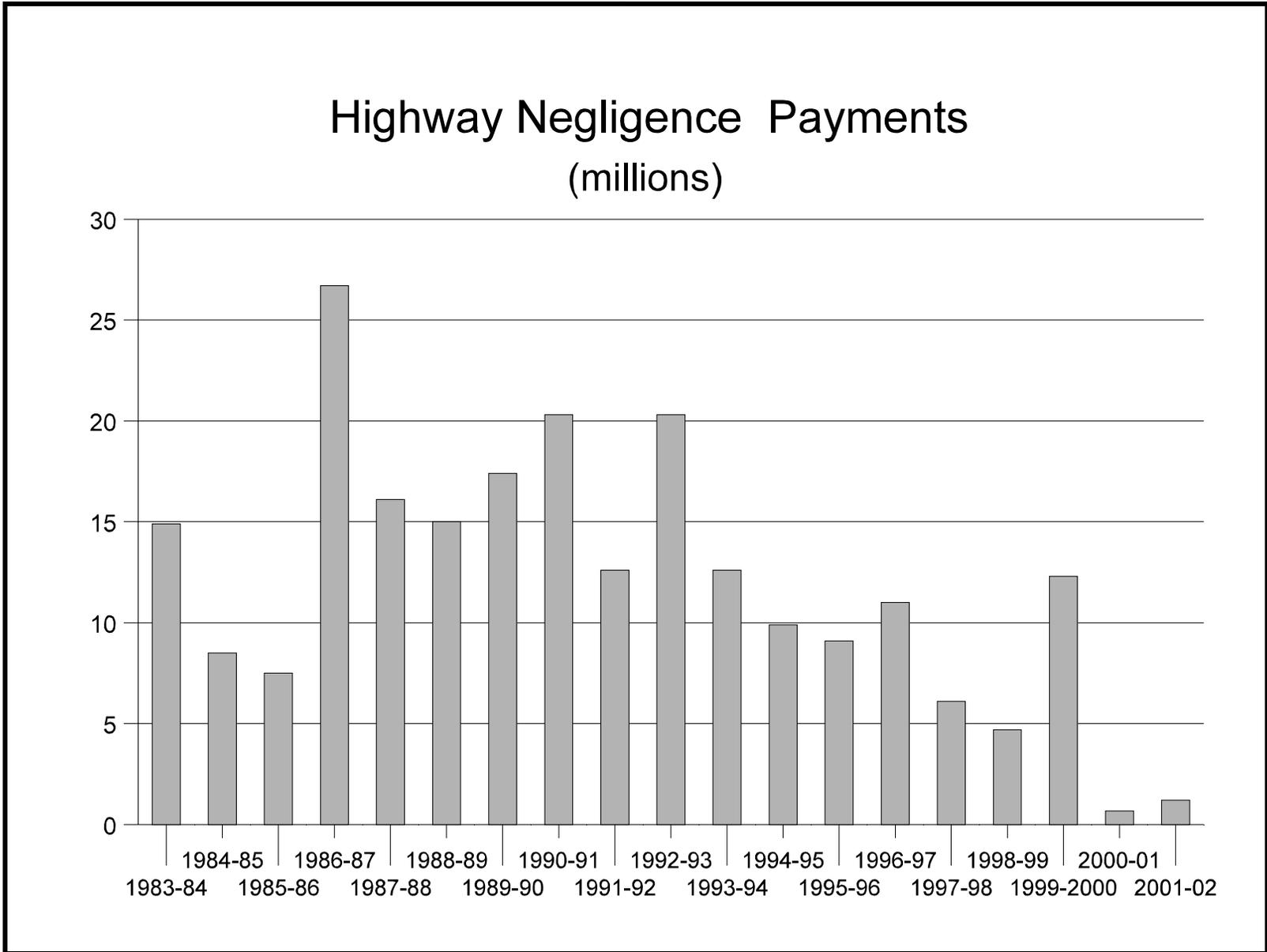
Settlements by the Department of State Police in 10 cases totaled \$1,424,855. Payments ranged from \$355 in Wernette v Motor Carrier Division for a case involving a citation issued by the Motor Carrier Division, to \$1,250,000 in Canter/Moore v Otsego County, et al for violation of constitutional rights in a murder prosecution case.

## DEPARTMENT OF TRANSPORTATION

Department of Transportation payments in 20 cases totaled \$1,897,922, the second lowest annual amount reported by the Department of Transportation in more than 20 years. (Payments in FY 2000-01 totaled 1,396,360.) Prior to FY 2000-01 annual payments of over \$10 million were common. Fiscal Year 1986-87 payments reported by the Department of Transportation totaled a record high of \$28,659,135. Fiscal Year 2001-02 payments by the Department of Transportation ranged from \$1,700 for a case involving an uncovered manhole in Hicks v MDOT, to \$500,000 in Badders v MDOT for a case alleging improper chip seal and resurfacing. Fourteen highway negligence cases accounted for \$1,222,240 of Department of Transportation payments in FY 2001-02. Three highway negligence cases with payments of \$250,000 to \$500,000 accounted for 90.0% of the total amount paid in highway negligence claims. The 11 other cases had payments ranging from \$1,700 to \$30,000.

From FY 1983-84 through FY 2001-02, the State paid \$226.9 million resulting from 1,113 highway negligence cases. The \$1,222,240 paid by the Department in FY 2001-02 represents the second lowest annual payment amount over that time period. (Fiscal Year 2000-01 was the lowest at \$668,400.) The reduced level of payments over the last two years can be attributed in part to rulings by the Michigan Supreme Court regarding governmental immunity and the statutory highway exception to governmental immunity, MCL 691.1402(1). The consolidated cases of Nawrocki v Macomb County Road Commission and Evens v Shiawassee County Road Commission, 463 Mich 143; 615 NW2d 702 (2000), overturned previous case law and narrowly construed the highway exception to governmental immunity. The Court stated that prior decisions of the Supreme Court improperly broadened the scope of the highway exception. The Supreme Court's opinion (January 3, 2002) in Hanson v Board of County Road Commissioners of the County of Mecosta followed the reasoning in Nawrocki, ruling that the highway exception to governmental immunity does not include a duty to design, or to correct defects arising from the original design or construction of highways. On October 11, 2002, the Michigan Court of Appeals in Adams v MDOT, 253 Mich App 431, ruled that Nawrocki applies retroactively to pending highway negligence cases. This decision further reduces the State's potential liability. A request for leave to appeal in that case is currently pending before the Michigan Supreme Court. Figure 1 below shows highway negligence payments attributed to each fiscal year from FY 1983-84 through FY 2001-02.

Figure 1



## RISK MANAGEMENT FUND

The Risk Management Fund was administratively established to account for specific centralized risk management functions performed by the Department of Management and Budget for all State agencies. 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 \$1,000,000 are paid from the Fund. [Table 5](#) 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 5

RISK MANAGEMENT FUND AUTOMOTIVE LIABILITY PAYMENTS	
FY 1991-92	\$28,318
FY 1992-83	\$138,194
FY 1993-94	\$435,862
FY 1994-95	\$1,135,659
FY 1995-96	\$1,977,178
FY 1996-97	\$1,743,580
FY 1997-98	\$1,223,622
FY 1998-99	\$3,985,189
FY 1999-2000	\$775,972
FY 2000-01	\$2,590,458
FY 2001-02	\$1,780,009

**FISCAL YEAR 2001-02**

**DEPARTMENT: AGRICULTURE**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Murray v Michigan State Fair	\$12,500.00	\$0	Michigan State Fair Fund	Wayne	Slip and fall by fair patron.
<b>FY 2001-02 TOTAL:</b>	<b>\$12,500.00</b>	<b>\$0</b>			

FISCAL YEAR 2001-02

DEPARTMENT: ATTORNEY GENERAL

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Cyberspace Communications, et al v John Engler, Governor and Jennifer Granholm, Attorney General	\$81,808.00	\$0	General Fund	Statewide	Defense of MCL 722.675 amended by P.A. 33 of 1999. The court declared the statute was unconstitutional, enjoined enforcement, and awarded plaintiff's attorney fees and costs.
<b>FY 2001-02 TOTAL:</b>	<b>\$81,808.00</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: ATTORNEY GENERAL**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Norton v Granholm, et al	\$1,500.00	\$0	General Fund	Statewide	Defense of MCL 750.38. Plaintiff asserted the statute was unconstitutional. The action was settled by the parties and payment of attorney fees was made to plaintiffs.
<b>FY 2001-02 TOTAL:</b>	<b>\$1,500.00</b>	<b>\$0</b>			

FISCAL YEAR 2001-02

DEPARTMENT: COMMUNITY HEALTH

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Fogelberg, Christopher, In the Matter of	\$250.00	\$0	General Fund	Tuscola	Satisfaction of Order for Costs and Fees against Caro Center.
<b>FY 2001-02 TOTAL:</b>	<b>\$250.00</b>	<b>\$0</b>			



**FISCAL YEAR 2001-02**

**DEPARTMENT: CORRECTIONS**

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Austin, David v MDOC	\$120.00	\$0	General Fund	Montcalm	Petition for review.
Bazetta, Michelle, et al v McGinnis, et al	\$239,660.83	\$15,668.91	General Fund	Wayne	Inmate challenging visitor policy.
Burd, Leslie v MDOC	\$240.00	\$0	General Fund	Chippewa	Petition for review.
Cruttenden, Mark v MDOC	\$128.32	\$0	General Fund	Jackson	Petition for review.
Graham, Maxim, et al v Larry Ford, et al <sup>1</sup>	\$820,519.71	\$99,541.74	General Fund	Ionia	Employee discrimination.
Jenkins, Bernadine v MDOC	\$120.00	\$0	General Fund	Ingham	Freedom of Information Act - denial of FOIA request.
Keenan v MDOC	\$319.00	\$0	General Fund	Ingham	Petition for review.
Miazga, Raymond v Parole Board	\$235.00	\$0	General Fund	Ionia	Parole administrative appeal.
Morales, Rene Jose v Parole Board	\$120.00	\$0	General Fund	Jackson	Parole administrative appeal.
Riley, Jimmie L. v David Kurtz	\$4,565.44	\$923.60	General Fund	Lenawee	Harassment - general.
Saylor, Brian v MDOC	\$140.00	\$0	General Fund	Jackson	Petition for review.
Spruytte v MDOC	\$545.00	\$0	General Fund	Macomb	Conditions.
Stewart, Lionel v MDOC	\$264.80	\$0	General Fund	Ionia	Petition for review.

<sup>1</sup>The total amount paid in this case was \$2,820,519.71. \$2,000,000 was paid from FY 2000-01 funding and reported in the FY 2000-01 Lawsuit Report.

**FISCAL YEAR 2001-02**

**DEPARTMENT: CORRECTIONS** (continued)

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Taylor, Willie v MDOC	\$100.00	\$0	General Fund	Jackson	Petitions for review of misconduct.
Wade, Monty v MDOC	\$100.00	\$0	General Fund	Chippewa	Petition for review.
<b>FY 2001-02 TOTAL:</b>	<b>\$1,067,178.10</b>	<b>\$116,134.25</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: CORRECTIONS**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT		FUNDING	LOCATION	SUMMARY OF CASE
	PAID	INTEREST	SOURCE		
Baul, Pranab v MDOC	\$3,000.00	\$0	General Fund	Wayne	Employee discrimination.
Bowen, Faye v MDOC	\$75,000.00	\$0	General Fund	Wayne	Employee discrimination.
Constitutional Litigation Associates v MDOC	\$5,500.00	\$0	General Fund	Ingham	Freedom of Information Act.
Chapman, Elvira v MDOC, et al	\$28,000.00	\$0	General Fund	Wayne	Employee discrimination.
Calhoun, Lynette v MDOC	\$50,000.00	\$0	General Fund	Muskegon	Employee discrimination.
Davis, Lee v Darrel Opicka	\$120,000.00	\$0	General Fund	Ionia	Medical - general.
Duncan, Pamela v MDOC	\$210,000.00	\$0	General Fund	Wayne	Employee discrimination.
Everson v MDOC, et al	\$446,929.00	\$0	General Fund	Wayne	Employee discrimination.
Frazier, J., et al v State of Michigan, et al	\$110,000.00	\$0	General Fund	Wayne	Employee discrimination.
Grimes, Tressie v Alice Folmar-Givens	\$7,000.00	\$0	General Fund	Wayne	Use of restraints.
Hughes, Marvin, et al v Raymond Tombs, et al	\$1,000.00	\$0	General Fund	Ionia	Petition for review.
Lehman, Garold v MDOC	\$50,000.00	\$0	General Fund	Branch	Employee discrimination.
MacDonald, Bruce v MDOC	\$30,000.00	\$0	General Fund	Wayne	Employee discrimination.
Marietta, Heidi v MDOC, et al	\$149,000.00	\$0	General Fund	Midland	Employee discrimination.
Newson-Terry v MDOC	\$775,783.16	\$0	General Fund	Wayne	Employee discrimination.
Owdish, Amy Collier v MDOC	\$49,250.00	\$0	General Fund	Wayne	Employee discrimination.
Rogers, Nora v MDOC	\$30,000.00	\$0	General Fund	Branch	Employee discrimination.

**FISCAL YEAR 2001-02**

**DEPARTMENT: CORRECTIONS (Continued)**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Kittie, Paul v MDOC and Cox	\$45,000.00	\$0	General Fund	Wayne	Employee discrimination.
Vadasy, Pauline v MDOC	\$11,500.00	\$0	General Fund	Wayne	Employee discrimination.
Walter, Joyce, et al v MDOC	\$7,500.00	\$0	General Fund	Manistee	Employee discrimination.
Weberg, Merrienne v Randy Franks, et al	\$6,586.41	\$0	General Fund	Wayne	Employee discrimination.
Weiss, Joseph v MDOC	\$5,000.00	\$0	General Fund	Wayne	Employee discrimination.
Graham, Maxim, et al v Larry Ford, et al	\$97,159.90	\$0	General Fund	Ionia	Employee discrimination.
<b>FY 2001-02 TOTAL:</b>	<b>\$2,313,208.47</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: EDUCATION**

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Berry v Benton Harbor	\$2,068,017.58	\$0	School Aid Fund	Berrien	Benton Harbor desegregation case.
Plotzke, et al v Ellis/Watkins and Engler	\$55,482.18	\$0	Federal - Individuals with Disabilities Education Act	Ingham	Special Education Rules - Extend public comment period.
<b>FY 2001-02 TOTAL:</b>	<b>\$2,123,499.76</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT:** FAMILY INDEPENDENCE AGENCY

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Detroit Free Press v FIA	\$8,531.67	\$0	General Fund	Wayne	Denial of access to Child Protective Services records. Costs/fees awarded to Plaintiff.
Margaret Gies v Lisa Marie Gies	\$150.00	\$0	General Fund	Iosco	Show Cause Hearing/failure to produce Child Protective Services records.
<b>FY 2001-02 TOTAL:</b>	<b>\$8,681.67</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: FAMILY INDEPENDENCE AGENCY**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
County of Calhoun, et al v FIA	\$82,429.74	\$0	General Fund	Ingham	Dispute over amount billed by Calhoun County Friend of the Court.
Janet Vieaux v Genesee FIA, et al	\$75,000.00	\$0	General Fund	Genesee	Discrimination and violation of Elliott-Larsen Civil Rights Act & violation of First Amendment Rights.
Wayne Lewis v. L. Miesner, et al	\$100,000.00	\$0	General Fund	Livingston	Employment discharge (race discrimination & breach of contract).
Susan M. De Mars v FIA	\$112.05	\$0	General Fund	Wayne	State Supplemental Security Income/Failure to cash warrant.
Emma McGrew v Wayne Ctr. & FIA	\$39,000.00	\$0	General Fund	Wayne	Foster Care/Breach of Contract.
Cassandra Robbins v O'Hala, et al	\$10,000.00	\$0	General Fund	Oakland	Breach of obligation under Child Protection Law (gross negligence/intentional misrepresentation).
Christine Bower v FIA	\$9,198.67	\$0	General Fund	Van Buren	FIA's denial of adoption subsidy.
Teaching Family Homes of Upper Michigan v SOM/FIA	\$15,000.00	\$0	General Fund	Menominee	Reimbursement for foster care.
<b>FY 2001-02 TOTAL:</b>	<b>\$330,740.46</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: HISTORY, ARTS, AND LIBRARIES**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
State of Michigan, Department of State, Plaintiff v The Vintage Image, Inc. D/b/a Adam & Eve Architectural Salvage and John McCarthy, Defendants	\$1,000.00	\$0	General Fund	West Palm Beach County, Florida	Replevin action regarding possession of State Historical Marker.

NOTE: In the midst of litigation, the Michigan Historical Marker Program was transferred from the Department of State to the newly created Department of History, Arts, and Libraries.

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<b>FY 2001-02 TOTAL:</b>	<b>\$1,000.00</b>	<b>\$0</b>			
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FISCAL YEAR 2001-02

DEPARTMENT: MANAGEMENT AND BUDGET

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Josephine Hernandez v State of Michigan	\$62,186.00	\$0	Information Technology Internal Service Fund	Ingham	Injuries resulting from fall in the Treasury Building.
Jack M. Moulik v State of Michigan State Police Retirement System	\$16,455.00	\$0	Pension Trust Funds	Ingham	Dispute over health insurance coverage for dependents.
<b>FY 2001-02 TOTAL:</b>	<b>\$78,641.00</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: MANAGEMENT AND BUDGET**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Marcelli Construction v State of Michigan	\$230,000.00	\$0	State Building Authority	Washtenaw	Dispute over extra work, delays and unlawful termination. This is a Capital Outlay project for Eastern Michigan University.
<b>FY 2001-02 TOTAL:</b>	<b>\$230,000.00</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: NATURAL RESOURCES**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Bonnie Pasko	\$875.00	\$0	State Park/Concession Fee	Iron	Tree fell on vehicle.
Glenn Vanhuis	\$296.00	\$0	State Park\Concession Fee	Ottawa	Glasses scratched from swing bolt.
Roy Haycock	\$215.99	\$0	State Park\Concession Fee	Chippewa	Power surge - damaged equipment.
Joyce Rhodes	\$418.60	\$0	State Park\Concession Fee	Ottawa	Loss of glasses.
Dorothy Rollins	\$238.33	\$0	State Park\Concession Fee	Berrien	Mower threw rock through vehicle window.
Pam Bertrand	\$495.29	\$0	State Park\Concession Fee	Cass	Vehicle accident.
John Paul Rochon	\$250.00	\$0	State Park\Concession Fee	St. Clair	Boat damage.
John Merle	\$492.15	\$0	State Park\Concession Fee	Oakland	Visitor injury.
Sharon Goetz	\$475.00	\$0	State Park\Concession Fee	Alcona	Survey work DNR in error.
Melanie L. Spearling	\$60.00	\$0	State Park\Concession Fee	Marquette	Visitor injury.
Connie O'Brien	\$381.52	\$0	State Park\Concession Fee	Muskegon	Vehicle accident.
Jarvis v State of Michigan (DNR)	\$593.64	\$0	Forest Development Fund	Presque Isle	Property boundary dispute. Adverse possession claim, quiet title action, and land trespass case.
MDNR & Young Charity Trust v Robert Waligursky	\$14,100.00	\$0	Land Exchange Facilitation	Iron	Adverse possession. Counterclaim against State of Michigan – MDNR.

**FISCAL YEAR 2001-02**

**DEPARTMENT:** NATURAL RESOURCES (continued)

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Michigan Basic Property Insurance Association (MBPIA) v State of Michigan	\$10,000.00	\$0	Delinquent Property Tax Administration	Wayne	Fire damage to adjacent property.
MBPIA v SOM	\$17,075.28	\$0	Delinquent Property Tax Administration	Wayne	Fire damage to adjacent property.
MBPIA v SOM	\$1,210.00	\$0	Land Sale Fund	Wayne	Fire damage to adjacent property.
<b>FY 2001-02 TOTAL:</b>	<b>\$47,176.80</b>	<b>\$0</b>			

FISCAL YEAR 2001-02

DEPARTMENT: STATE

**FORM 1: JUDGMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Dean S. Hazel v Michigan Department of State	\$150.00	\$0	General Fund	Statewide	Court costs related to drivers license case.
<b>FY 2001-02 TOTAL:</b>	<b>\$150.00</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: STATE POLICE**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Thomas v City of Detroit, et al	\$7,500.00	\$0	General Fund	Wayne	Plaintiff claimed he was arrested and detained without legal cause which constituted an unreasonable seizure of his person and violated his constitutional rights. The arrest, Plaintiff claimed, constituted an assault and battery.
Brothers v MSP, et al	\$35,000.00	\$0	General Fund	Wayne	Plaintiff claimed Defendants intentionally failed to notify him as required by statute that his vehicle had been seized and was going to be sold at public auction because an employee of Defendant wanted to and did purchase the vehicle.
Keating v MSP	\$1,000.00	\$0	General Fund	Oakland	Plaintiff's vehicle and trailer were confiscated.

**FISCAL YEAR 2001-02**

**DEPARTMENT:** STATE POLICE (continued)

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Spivey v Grubbs	\$8,000.00	\$0	General Fund	Wayne	Plaintiff claimed Defendant pulled him over, performed an illegal traffic stop, unlawfully forced him from his vehicle depriving him from his personal liberty and freedom of movement through use of physical force, handcuffs and intimidation, arrested and imprisoned him without cause.
Adcox v Weakland, et al	\$3,000.00	\$0	General Fund	Wayne	Plaintiff claimed Defendant owed her a duty of care to perform police activities in a reasonable manner, however, that Defendant violated that duty when she improperly used the LEIN to investigate Plaintiff.
Canter/Moore v Otsego County, et al	\$1,250,000.00	\$0	General Fund	Otsego	Plaintiffs claimed that the Defendants violated their constitutional rights and acted maliciously when arresting and prosecuting them for the murder of Tobias based solely upon false information from Parmentier.

**FISCAL YEAR 2001-02**

**DEPARTMENT:** STATE POLICE (continued)

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Williams v Stambaugh, et al	\$2,000.00	\$0	General Fund	Wayne	Plaintiff claimed at the State fairgrounds the Defendants wrongfully struck, beat, kicked and assaulted him using unnecessary, excessive force and as a result he has suffered serious and permanent injuries to his body and person.
Polk v Tuer and Sharkey	\$30,000.00	\$0	General Fund	Saginaw	Defendants attempted to stop Plaintiff's vehicle. When Plaintiff's vehicle finally stopped, two individuals jumped out of the vehicle. One fled on foot, the other charged Defendant and tried to take his weapon. Defendant shot Plaintiff as a result of Plaintiff's actions.
Wernette v Motor Carrier Division	\$355.00	\$0	General Fund	Lapeer	Plaintiff was issued a citation for not having a Class A CDL license and other charges which were later dismissed.

**FISCAL YEAR 2001-02**

**DEPARTMENT:** STATE POLICE (continued)

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Thomason v Leveille, et al	\$88,000.00	\$0	General Fund	St. Clair	Plaintiff claimed the Defendants stormed into her home in an excessive and forceful manner without proper ID, without announcement, without probable cause, without prior research and background checking said home being the wrong home.
<b>FY 2001-02 TOTAL:</b>	<b>\$1,424,855.00</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT: TRANSPORTATION - HIGHWAY NEGLIGENCE CASES**

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Auto Owners (Weaver) v MDOT	\$9,540.00	\$0	State Trunkline Fund	Cass	Slippery roadway due to resurfacing.
Badders v MDOT	\$500,000.00	\$0	State Trunkline Fund	Cass	Improper chip seal; resurfacing.
Daniels-Palmer v MDOT	\$350,000.00	\$0	State Trunkline Fund	Oakland	Ruts; potholes.
Farmers Insurance v MDOT	\$7,500.00	\$0	State Trunkline Fund	Osceola	Improper application of tar on roadbed.
Gantz v MDOT	\$12,500.00	\$0	State Trunkline Fund	Oakland	Potholes; broken concrete.
Greer v MDOT	\$2,500.00	\$0	State Trunkline Fund	Wayne	Potholes.
Hicks v MDOT	\$1,700.00	\$0	State Trunkline Fund	Wayne	Uncovered manhole.
Lee v MDOT	\$17,000.00	\$0	State Trunkline Fund	Wayne	Falling concrete from overpass.
Leftwich v MDOT	\$6,000.00	\$0	State Trunkline Fund	Wayne	Improper maintenance of pedestrian walkway.
McClendon & Hollins v MDOT	\$10,000.00	\$0	State Trunkline Fund	Wayne	Loose concrete falling from overpass.
Nelson v MDOT	\$4,500.00	\$0	State Trunkline Fund	Wayne	Failure to maintain sidewalk.
Rezaei v MDOT	\$250,000.00	\$0	State Trunkline Fund	Genesee	Slippery roadway.

**FISCAL YEAR 2001-02**

**DEPARTMENT:** TRANSPORTATION - HIGHWAY NEGLIGENCE CASES (continued)

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Screws v MDOT	\$21,000.00	\$0	State Trunkline Fund	Wayne	Falling concrete object.
Sexton v MDOT	\$30,000.00	\$0	State Trunkline Fund	Wayne	Lack of traffic control signals.
<b>FY 2001-02 TOTAL:</b>	<b>\$1,222,240.00</b>	<b>\$0</b>			

**FISCAL YEAR 2001-02**

**DEPARTMENT:** TRANSPORTATION - OTHER CASES

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Jerry and Glenette Keson, et al v MDOT, et al	\$2,500.00	\$0	State Trunkline Fund	Clare	Plaintiffs claimed a prior right, by acquiescence, to part of property which MDOT had sold as excess property.
MacLean Construction Co. v MDOT	\$110,000.00	\$0	State Trunkline Fund	Clinton	Contractor sued for subcontractor's (Toebe) damages alleging MDOT's inspector directed sub to use a concrete pouring method which caused contamination of the concrete with mud.
Ajax Paving Industries, Inc. v MDOT	\$499,999.00	\$0	State Trunkline Fund	Wayne	Contractor alleged changed conditions, utility interferences, and inaccurate plans forced work over two years.
B.C. Development, Inc. v MDOT	\$51,433.00	\$0	State Trunkline Fund	Livingston	Lawsuit filed to consummate a negotiated settlement of a claim arising out of the construction of a driveway entrance/exit accessing M-36.

**FISCAL YEAR 2001-02**

**DEPARTMENT:** TRANSPORTATION - OTHER CASES (Continued)

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Payne & Dolan, Inc. v MDOT	\$5,000.00	\$0	State Trunkline Fund	Cheboygan	Contractor sued for breach of contract for resurfacing 9.47 miles of US-23 alleging undisclosed defective concrete base.
S.E. Johnson Companies, Inc. v MDOT	\$6,750.00	\$0	State Trunkline Fund	St. Clair	Contractor for rehab of Blue Water Bridge sued under the Freedom of Information Act alleging MDOT and its consultant failed to provide all the project-related records that were requested.
<b>FY 2001-02 TOTAL:</b>	<b>\$675,682.00</b>	<b>\$0</b>			

FISCAL YEAR 2001-02

DEPARTMENT: TREASURY

**FORM 2: SETTLEMENTS PAID BY THE STATE**

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Karen Sue Reiss, et al v Michigan Department of Treasury	\$180,000.00	\$0	Delinquent Tax	Oakland	Claiming disability discrimination in violation of the Persons with Disabilities' Civil Rights Act.
<b>FY 2001-02 TOTAL:</b>	<b>\$180,000.00</b>	<b>\$0</b>			





## RECENT SENATE FISCAL AGENCY REPORTS

<p>“FY 2001-02 APPROPRIATIONS REPORT Year -End Appropriations” March, 2003</p> <p>“FY 2003-04 APPROPRIATIONS REPORT PART I - GOVERNOR’S RECOMMENDATIONS” March, 2003</p> <p>“THE MICHIGAN SCHOOL AID ACT COMPILED AND APPENDICES” January, 2003</p> <p>“MICHIGAN’S ECONOMIC OUTLOOK AND BUDGET REVIEW - ISSUE 2002-2” December 19, 2002</p> <p>“FY 2002-03 APPROPRIATIONS REPORT Initial Appropriations” October, 2002</p>	<p>“FISCAL YEAR 2002-03 HIGHER EDUCATION APPROPRIATIONS REPORT” September, 2002</p> <p>“ADDRESSING THE TEACHER SHORTAGE: A SYNOPSIS OF STATE AND FEDERAL LEGISLATION” by Claire Layman September, 2002</p> <p>BOVINE TUBERCULOSIS ERADICATION IN MICHIGAN - UPDATE” by Craig Thiel August, 2002</p> <p>“CHILD CARE AND DEVELOPMENT FUND: AN OVERVIEW OF THE MICHIGAN PROGRAM AND THE EXPENDITURE OF FEDERAL AND STATE RESOURCES” by Katherine L. Johnson, Intern August, 2002</p>	<p>“PRESERVING MICHIGAN FARMLAND THROUGH PURCHASE OF DEVELOPMENT RIGHTS” by Craig Thiel August, 2002</p> <p>“ESTIMATED STATE SPENDING AND STATE TAX COLLECTIONS BY COUNTY - FY 1998-99” June, 2002</p> <p>“MICHIGAN’S ECONOMIC OUTLOOK AND BUDGET REVIEW - ISSUE 2002-1” May, 2002</p> <p>“FY 2000-01 APPROPRIATIONS REPORT Year-End Appropriations” April, 2002</p> <p>“MERIT AWARD PROGRAM” by Kathryn Summers-Coty April, 2002</p>
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<b>RECURRING SENATE FISCAL AGENCY REPORT</b>	
Analysis of the Governor’s Major Budget Recommendations	Produced Annually
Appropriations Report - Initial Appropriations	Produced Annually
Appropriations Report - Year-End Appropriations	Produced Annually
Estimated State Spending by County	Produced Annually
Fiscal Digest	Produced Annually
Status of Lawsuits Against the State	Produced Annually
Higher Education Appropriations Report	Produced Annually
Michigan’s Economic Outlook and Budget Review	Produced Twice a Year
Monthly Revenue Report	Produced Monthly
Michigan Economic Indicators	Produced Monthly
State Notes: Topics of Legislative Interest	Produced 6 Times a Year
U.S. and Michigan Motor Vehicle Statistical Report	Produced Annually