

**STATUS OF LAWSUITS
AGAINST THE STATE OF MICHIGAN
FY 2002-03 UPDATE**



**SENATE FISCAL AGENCY
LANSING, MICHIGAN
APRIL 2004**

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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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 \$10,502,317 for judgments and settlements in fiscal year (FY) 2002-03. Of the 97 cases that resulted in payments, 24 were judgments totaling \$6,142,395, and 73 were settlements totaling \$4,359,922. Payments in FY 2002-03 were \$315,706 (3.1%) higher than the \$10,186,611 reported in FY 2001-02. The funding sources for payments in FY 2002-03 were as follows:

Funding Source	Amount	Percent
State General Fund	\$4,970,340	47.3
State School Aid Fund	3,046,081	29.0
State Trunkline Fund	1,085,324	10.3
State Restricted Funds	874,810	8.3
Federal Funds	525,762	5.0
Total:	\$10,502,317	100.0

Tables on pages 2, 3, and 4 provide a 10-year history (FY 1993-94 through FY 2002-03) 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 information provides a summary of departments that made payments totaling over \$1,000,000 in FY 2002-03. The FY 2002-03 reports for payments submitted by State departments and agencies follow beginning on page 12. 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 year the report also includes a summary of cases that resulted in payments to the State of Michigan. Table 6 and the following information on pages 10 and 11 provide an overview of amounts recovered by the State.

Table 1

TOTAL COURT JUDGMENTS AND SETTLEMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03
Agriculture	\$75,800	\$34,000	\$100,500	\$224,710	\$10,000	\$0	\$133,058	\$789	\$12,500	\$116,416
Attorney General	0	0	0	0	0	0	0	100,000	83,308	297,000
Career Development						0	0	0	0	0
Civil Rights	0	757	0	0	0	0	0	0	0	0
Civil Service	0	0	0	30,000	0	0	0	0	0	0
Commerce	7,000	231,467								
Community Health			727,838	908,000	2,131,565	659,922	149,088	106,000	387,750	2,092,756
Consumer & Industry Services			0	21,595	153,928	178,460	19,459	1,917,304	0	3,000
Corrections	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	1,788,948
Education	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	3,046,081
Environmental Quality			358,459	98,870	2,566	10,998	1,516,756	0	0	276,893
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	144,597
History, Arts, & Libraries									1,000	0
Information Technology									0	0
Judiciary	248,332	268,250	45,000	724,000	0	10,000	0	0	0	0
Labor	306,700	0								
Library of Michigan	1,109,312	0	0	0	0	0	0	0	0	0
Lottery	55,721	4,000	0	13,420	13,581	17,565	1,500	0	0	0
Management & Budget	113,863	85,000	126,170	106,000	5,500	75,000	22,500	1,611,654	308,641	0
Mental Health	379,850	515,500								0
Michigan Jobs Commission		1,951,024	3,500	156,239	23,681					
Michigan Strategic Fund						0	0	0	0	0
Military Affairs	0	0	25,000	225,000	2,405,000	90,000	0	8,793	0	0
Natural Resources	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	307,063
Public Health	38,365	318,959								
Social Services	274,776	2,727,681								
State	77,500	3,400	67,500	7,500	1,817	101,460	36,400	1,000	150	0
State Police	137,850	1,268,771	1,220,853	873,069	868,141	787,057	513,664	875,572	1,424,855	1,075,239
Transportation	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	1,085,324
Treasury	968,328	7,500	0	65,669	11,500	0	107,659	0	180,000	269,000
TOTAL:	\$32,799,989	\$29,607,246	\$114,525,892	\$25,894,694	\$236,093,563	\$12,684,878	\$40,535,398	\$14,576,960	\$10,186,611	\$10,502,317

Table 2

COURT JUDGMENTS PAID BY THE STATE
(Actual Dollars)

DEPARTMENT	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03
Agriculture	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$789	\$0	\$116,416
Attorney General	0	0	0	0	0	0	0	100,000	81,808	0
Career Development						0	0	0	0	0
Civil Rights	0	757	0	0	0	0	0	0	0	0
Civil Service	0	0	0	0	0	0	0	0	0	0
Commerce	0	0								
Community Health			50,000	136,000	0	310,422	21,633	1,000	250	1,025,273
Consumer & Industry Services			0	15,000	100,000	160,000	0	417,304	0	3,000
Corrections	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	194,054
Education	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	3,046,081
Environmental Quality			239,459	0	2,566	10,998	1,516,756	0	0	114,893
Executive	0	0	0	0	0	0	0	0	0	0
Family Independence Agency			0	1,066	3,310	0	764	0	8,682	0
History, Arts & Libraries									0	0
Information Technology									0	0
Judiciary	0	0	0	0	0	0	0	0	0	0
Labor	251,700	0								
Library of Michigan	1,109,312	0	0	0	0	0	0	0		
Lottery	0	0	0	0	0	0	0	0	0	0
Management & Budget	113,863	45,000	120,000	0	0	0	22,500	1,611,654	78,641	0
Mental Health	0	0								
Michigan Jobs Commission		0	3,500	0	0					
Michigan Strategic Fund						0	0	0	0	0
Military Affairs	0	0	0	5,000	2,400,000	0	0	0	0	0
Natural Resources	192,870	242,834	201,811	901,193	2,901,395	409,888	1,537,910	152,162	0	307,063
Public Health	38,365	60,289								
Social Services	1,520	2,137								
State	2,500	0	0	0	0	0	0	0	150	0
State Police	9,650	762,500	0	3,569	0	0	0	0	0	975,615
Transportation	5,107,256	1,871,956	661,000	1,331,974	0	0	2,875,000	0	0	360,000
Treasury	8,328	0	0	15,669	0	0	0	0	0	0
TOTAL:	\$15,053,874	\$12,103,943	\$8,079,568	\$6,612,329	\$220,396,284	\$3,203,699	\$8,031,551	\$6,757,308	\$3,360,209	\$6,142,395

Table 3

SETTLEMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03
Agriculture	\$75,800	\$34,000	\$100,500	\$224,710	\$10,000	\$0	\$133,058	\$0	\$12,500	\$0
Attorney General	0	0	0	0	0	0	0	0	1,500	297,000
Career Development						0	0	0	0	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	0	0	0	30,000	0	0	0	0	0	0
Commerce	7,000	231,467								
Community Health			677,838	772,000	2,131,565	349,500	127,455	105,000	387,500	1,067,483
Consumer & Industry Services			0	6,595	53,928	18,460	19,459	1,500,000	0	0
Corrections	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	1,594,894
Education	0	0	0	581,488	9,500	21,011	0	0	0	0
Environmental Quality			119,000	98,870	0	0	0	0	0	162,000
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	144,597
History, Arts & Libraries									1,000	0
Information Technology									0	0
Judiciary	248,332	268,250	45,000	724,000	0	10,000	0	0	0	0
Labor	55,000	0								
Library of Michigan	0	0	0	0	0	0	0	0		
Lottery	55,721	4,000	0	13,420	13,581	17,565	1,500	0	0	0
Management & Budget	0	40,000	6,170	106,000	5,500	75,000	0	0	230,000	0
Mental Health	379,850	515,500								
Michigan Jobs Commission		1,951,024	0	156,239	23,681					
Michigan Strategic Fund						0	0	0	0	0
Military Affairs	0	0	25,000	220,000	5,000	90,000	0	8,793	0	0
Natural Resources	6,758,951	1,762,526	93,657,684	2,541,005	5,500	1,463,027	16,250,000	147,594	47,177	0
Public Health	0	258,670								
Social Services	273,256	2,725,544								
State	75,000	3,400	67,500	7,500	1,817	101,460	36,400	1,000	0	0
State Police	128,200	506,271	1,220,853	869,500	868,141	787,057	513,664	875,572	1,424,855	99,624
Transportation	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	725,324
Treasury	960,000	7,500	0	50,000	11,500	0	107,659	0	180,000	269,000
TOTAL:	\$17,746,115	\$17,503,303	\$106,446,324	\$19,282,365	\$15,697,279	\$9,481,179	\$32,503,847	\$7,819,652	\$6,826,402	\$4,359,922

PAYMENTS BY DEPARTMENTS

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

Table 4

FY 2002-03 PAYMENTS BY DEPARTMENT				
DEPARTMENT	NUMBER OF CASES	PERCENT OF TOTAL	STATE PAYMENTS	PERCENT OF TOTAL
COMMUNITY HEALTH	13	13.4	\$2,092,756	20.0
CORRECTIONS	38	39.2	1,788,948	17.0
EDUCATION	1	1.0	3,046,081	29.0
STATE POLICE	12	12.4	1,075,239	10.2
TRANSPORTATION	13	13.4	1,085,324	10.3
OTHER DEPARTMENTS	20	20.6	1,413,969	13.5
TOTAL:	97	100.0	\$10,502,317	100.0

DEPARTMENT OF COMMUNITY HEALTH

Payments by the Department of Community Health increased by \$1,705,006 from the \$387,750 paid in FY 2001-02. Three cases accounted for 85.9% of the amount paid by the Department in FY 2002-03. One case, Berrien Mental Health Authority v MDCH, involving return of Medicaid funds to the Berrien Mental Health Authority, accounted for \$997,273 (47.6%) of the reported payments. A negligence/malpractice case against various Northville Psychiatric Hospital doctors, Terrance v Northville, resulted in a \$535,000 payment. The other major payment (\$266,000 in Thomas v MDCH) involved employment issues including alleged violations of the Elliott-Larsen Civil Rights Act and retaliation. The remaining payments by the Department ranged from \$162 to \$70,165.

DEPARTMENT OF CORRECTIONS

The Department of Corrections made payments in 38 cases totaling \$1,788,948. Payments ranged from \$100 in three cases involving petitions for review related to major misconduct appeals, to \$600,000 in Burke v Miller, a case involving an automobile accident. The total payment in that case was \$1,600,000. The State Risk Management Fund paid \$1,000,000 of the settlement. Twelve cases alleging employee discrimination resulted in payments totaling \$453,140, which represents 25.3% of the total amount paid by the Department of Corrections in FY 2002-03.

DEPARTMENT OF EDUCATION

The only payment by the Department of Education related to continuing payments in the Berry v Benton Harbor Area School District desegregation case. 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 over a five-year period. Pursuant to the court order, the last year of payments will be FY 2005-06.

DEPARTMENT OF STATE POLICE

The Department of State Police made payments in 12 cases (two judgments and 10 settlements) totaling \$1,075,239. The case of Bascomb v MLEOTC accounted for \$970,097 (90.2%) of the total amount paid by the Department in FY 2002-03. The case involved an applicant who alleged he was denied admittance to the police academy due to his handicap. Payments by the Department in other cases ranged from \$1,000 to \$60,000.

DEPARTMENT OF TRANSPORTATION

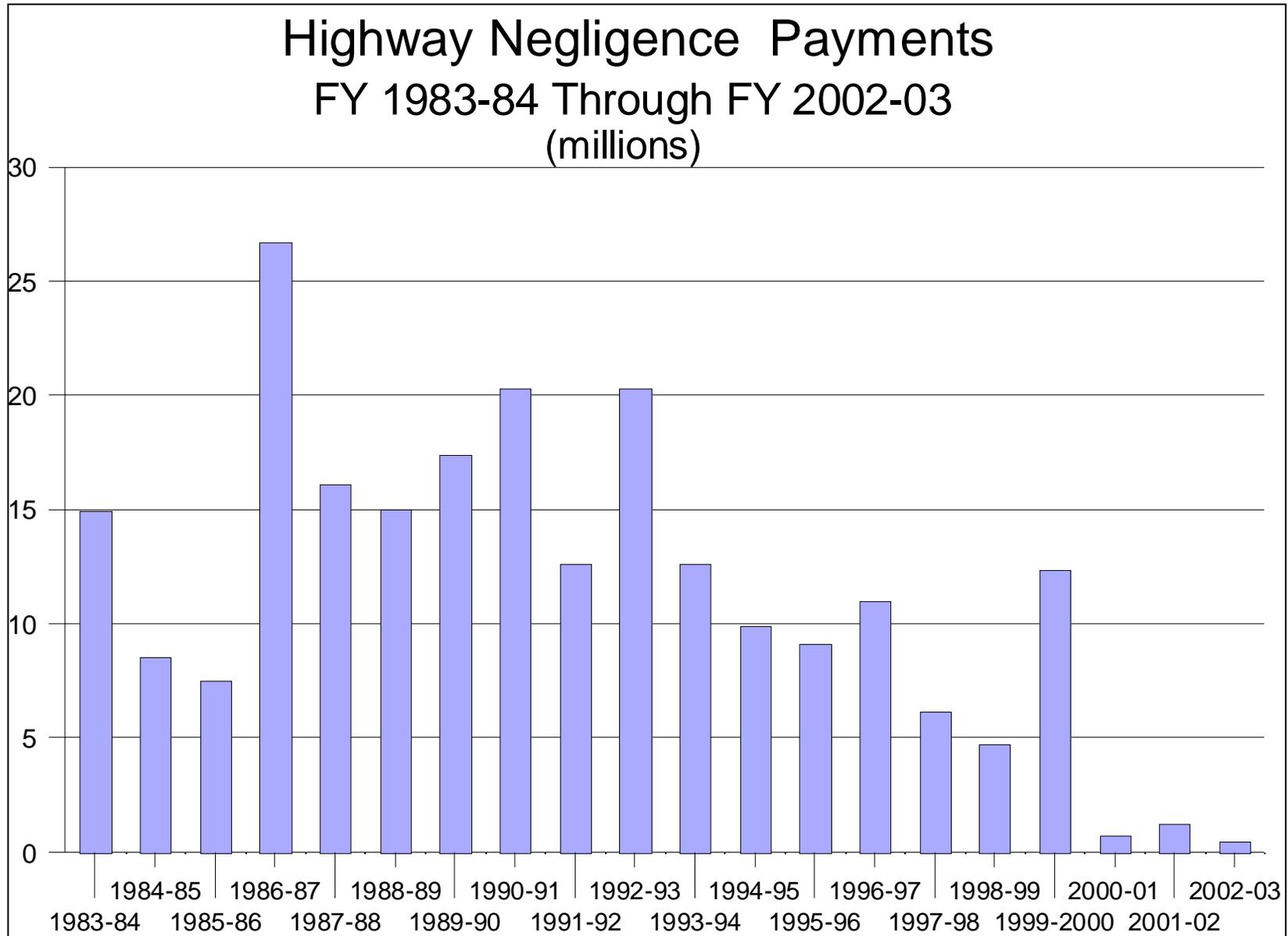
Department of Transportation payments in 13 cases totaled \$1,085,324, the lowest annual amount reported by the Department of Transportation in more than 20 years. Two construction lawsuits filed against the Department (Interstate Highway Construction Inc., \$360,000, and Reith-Riley Construction Company v MDOT, \$231,823) resulted in payments representing 54.5% of total payments made by the Department of Transportation in FY 2002-03.

Ten highway negligence cases accounted for \$458,500 of Department of Transportation payments in FY 2002-03. One case, Vonlinsowe v MDOT, included a payment of \$315,000, representing 68.7% of the total amount paid for highway negligence cases in FY 2002-03. The remaining nine cases had payments ranging from \$2,500 to \$35,000.

From FY 1983-84 through FY 2002-03, the State paid \$227.4 million resulting from 1,123 highway negligence cases. The \$458,500 paid by the Department in FY 2002-03 represents the lowest annual payment amount over that time period. The reduced level of

payments over recent 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. A request for leave to appeal in that case was denied by the Michigan Supreme Court. The decision in Adams further reduces the State's potential liability. Figure 1 below shows highway negligence payments attributed to each fiscal year from FY 1983-84 through FY 2002-03.

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 1992-93	\$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
FY 2002-03	\$2,487,429

PAYMENTS TO THE STATE OF MICHIGAN

The following table provides a summary of FY 2002-03 lawsuit payments to the State as reported by Departments pursuant to Section 396(3) of the Management and Budget Act:

Table 6

TOTAL COURT JUDGMENTS AND SETTLEMENTS PAID TO THE STATE (Actual Dollars)	
DEPARTMENT	FY 2002-03
Attorney General	\$13,353,686.39
Community Health	14,938,430.33
Consumer & Industry Services	29,225,052.00
Corrections	1,061,547.23
Environmental Quality	10,335,479.04
Family Independence Agency	82,195.12
Natural Resources	2,500.00
Transportation	1,620,307.92
Treasury	318,454,887.00
TOTAL:	\$389,074,085.03

Department of Attorney General

Of the amount reported by the Department of Attorney General, \$10 million was from Bascomb v Hoffman-La Roche. The case involved antitrust violation (price fixing) claims against multiple manufacturers of vitamin products. Another antitrust case (Mylan Laboratories) resulted in a payment to the State of over \$700,000.

Community Health

All of the payments to the State reported by the Department of Community Health resulted from Medicaid subrogation cases.

Consumer and Industry Services

Two cases were listed by the Department of Consumer and Industry Services. Michigan Household/Beneficial Customers included a \$15.7 million distribution plan for payments to borrowers who were subject to specific unfair lending practices and a \$13.5 million payment to the State from a securities case involving unfair business practices.

Corrections

All of the payments listed by the Department of Corrections were cases filed under the Prisoner Reimbursement Act. There were 139 cases, most of which included payments in amounts less than \$10,000. Ninety-two cases had payments of less than \$5,000. Twenty-six cases with payments of \$10,000 or more accounted for 70 percent of the total payments. Payments ranged from \$69.34 to \$120,000.

Environmental Quality

There were over 160 cases reported by Department of Environmental Quality. Most of the cases involved reimbursement for environmental contamination.

Family Independence Agency

The Family Independence Agency reported 18 cases, all involving the issue of blocking bankruptcy discharge of welfare debt.

Natural Resources

The Department of Natural Resources reported one case involving unauthorized activities without a permit that resulted in damage to a fisheries habitat.

Transportation

Payments to the Michigan Department of Transportation (MDOT) included 10 cases totaling \$394,213.74 for damage to roads and traffic control devices, \$240,110 for a breach of contract case, \$26,750 for five land contract forfeiture cases, and \$959,234 from one case involving indemnification to MDOT from a design consultant for lawsuit payments that MDOT made to a contractor.

Treasury

The amount listed by the Department of Treasury reflects FY 2003-04 payments to the State resulting from the Master Tobacco Settlement Agreement.

FISCAL YEAR 2002-03

DEPARTMENT: AGRICULTURE

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Esky Fasttrack Corporation v Michigan Department of Agriculture	\$116,415.52	\$20,415.52	General Fund	Delta	Plaintiff was locked out of leased premises.
FY 2002-03 TOTAL:	\$116,415.52	\$20,415.52			

FISCAL YEAR 2002-03

DEPARTMENT: ATTORNEY GENERAL

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Willis v Department of Attorney General	\$297,000.00	\$0	General Fund	Wayne	Plaintiff asserted claims specifically including but not limited to matters involving retaliation, race discrimination, and hostile work environment.
FY 2002-03 TOTAL:	\$297,000.00	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: COMMUNITY HEALTH

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Berrien Mental Health Authority v MDCH	\$997,273.00	\$0	\$471,510.67 General Fund \$525,762.33 Federal Funds	Berrien	Return of Medicaid funds to Berrien Mental Health Authority for services to Medicaid eligible individuals suffering mental illness, developmental disabilities and addiction.
Detroit Free Press v MDCH	10,000.00	0	General Fund	Oakland	Freedom of Information Act case awarding fees and costs.
Detroit Free Press v MDCH	18,000.00	0	General Fund	Oakland	Freedom of Information Act case awarding fees and costs.

FY 2002-03 TOTAL: **\$1,025,273.00** **\$0**

FISCAL YEAR 2002-03

DEPARTMENT: COMMUNITY HEALTH

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Jay Q. Thomas v MDCH	\$266,000.00	\$0	General Fund	Washtenaw	Various employment issues; alleged violations of the Elliott-Larsen Civil Rights Act, retaliation against employee.
William McCarty Trust v SOM, DMH	8,177.33	0	General Fund	Ingham	Breach of contract, allegedly DCH would not pay for repairs made to a group home under lease with the department.
William Meadlock v SOM, DMH	18,000.00	0	General Fund	Ingham	Breach of contract, allegedly DCH would not pay for repairs made to a group home under lease with the department.
Eugene Terrance v Northville	535,000.00	0	General Fund	Wayne/US Dist.	Negligence and malpractice against various Northville Psychiatric Hospital doctors.
Mark Silverman v James Haveman, et al.	162.00	0	General Fund	Oakland	Administrative appeal of provider hearing.
Northland Family Planning v Olszewski, et al.	24,979.00	0	General Fund	Statewide	This civil rights action challenged the constitutionality of Public Act 685 of 2002, amending Michigan Compiled Laws §§ 333.16299, 333.17014, and 333.17015.
Amy Touchtone, et al v MacKinnon, D.D., et al.	55,000.00	0	General Fund	Midland	Complaint to recover Medicaid as a result of medical malpractice.
Bashar Abuali v SOM, et al.	40,000.00	0	General Fund	Washtenaw	Employee Abuali was involved with altercation with patient at Forensic Center.
Northland Family Planning v Granholm, et al.	70,165.00	0	General Fund	Statewide	Preliminary Injunction. Plaintiffs challenged Public Act 345 of 2000 on constitutional grounds.
Markva v James K. Haveman, Jr., et al.	50,000.00	0	General Fund	Bay	Class action lawsuit by caretaker relatives of Medicaid clients.
FY 2002-03 TOTAL:	\$1,067,483.33	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: CONSUMER & INDUSTRY SERVICES AND UNEMPLOYMENT AGENCY

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Michigan Funeral Directors Association v State of Michigan	\$3,000.00	\$0	Licensing and Regulation Fees	Ingham	Freedom of Information Act related.

FY 2002-03 TOTAL: **\$3,000.00** **\$0**

FISCAL YEAR 2002-03

DEPARTMENT: CORRECTIONS

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Blevins, William v MDOC	\$140.00	\$0	General Fund	Jackson	Petition for Review - Major Misconduct Appeal. Order for costs.
Gleason, Boyd Patrick v Michigan Parole Board	110.00	0	General Fund	Grand Traverse	Prisoner Parole Appeal. Order for costs.
Hamilton, Gerald, v Fabian LaVigne, et al.	300.00	0	General Fund	Chippewa	Property-General. Claimed hobbycraft items were confiscated and disposed of before administrative remedies were exhausted.
Hitt, Ernest v MDOC	100.00	0	General Fund	Ingham	Petition for Review - Major Misconduct Appeal. Order for costs.
Hurston, George v MDOC	100.00	0	General Fund	Grand Traverse	Petition for Review - Major Misconduct Appeal. Order for costs.
Jemison, Charles v Joan Yukins	77,811.31	12,811.31	General Fund	Wayne	Employee-Other. Community college instructor at Scott Correctional Facility sued over stop order where facility had not investigated claims of inmate relationship. Judgment plus interest.
Reilly, Jamie v Henry Grayson, et al.	106,356.97	5,295.65	General Fund	Jackson	Conditions of Confinement. Exposure to second-hand smoke. Judgment, attorney fees and costs, plus interest.
Sallier, Blaine v Joe Scott, et al.	8,687.00	1,187.00	General Fund	Wayne	Mail-Legal. Improper handling of legal mail. Judgment, attorney fees, and interest.
Stewart, Lionel v MDOC	100.00	0	General Fund	Ingham	Petition for Review - Major Misconduct Appeal. Order for costs.
Succaw, John v Michigan Parole Board	108.89	0	General Fund	Grand Traverse	Prisoner Parole Appeal. Order for costs.
Thies, Philip v MDOC	120.00	0	General Fund	Chippewa	Petition for review. Appeal of Special Designation. Order for costs.

FISCAL YEAR 2002-03

DEPARTMENT: CORRECTIONS

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Taylor, Timothy v Parole Board	\$120.00	\$0	General Fund	Ingham	Prisoner Parole Appeal. Order for costs.

FY 2002-03 TOTAL: \$194,054.17 \$19,293.96

FISCAL YEAR 2002-03

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Bey, Ronald Simpson v Martin, et al.	\$12,000.00	\$0	General Fund	Jackson	Harassment. Random acts of retaliation.
Bradley, James v MDOC	7,500.00	0	General Fund	Wayne	Employee Other. Sexual harassment, hostile work environment – male employee, female supervisor.
Burke, Dustin v George Miller ¹	600,000.00	0	General Fund	Ionia	Personal Injury-Public. Plaintiff injured in auto accident with a State vehicle.
Davidson, Susan v MDOC	5,000.00	0	General Fund	Arenac	Employee Discrimination, Hostile Work Environment. Retaliation for filing harassment complaint and for information provided during an investigation.
Eboh, Silas v MDOC	15,000.00	0	General Fund	Wayne	Employee Discrimination. Black male employee claimed racial/ethnic/national origin/color discrimination assault and battery due to a full body search for drugs.
Gere, Marcus v Wesley Priest, et al.	400.00	0	General Fund	Branch	Religion. Prisoner claimed that defendants prevented him from practicing his religion (Wiccan) when they refused to allow him to obtain copies of his religious literature.
Hubbard, Dwayne v Bill Martin, et al.	15,000.00	0	General Fund	Tuscola	Transfer-General. Claimed that his physical handicap (loss of left leg) should have exempted him from being transferred to Virginia DOC under contract with MDOC. Judgment and attorney fees.

¹ The total payment in this case was \$1,600,000. The State's Risk Management Fund for automotive liability payments paid \$1,000,000 in this case, which is included on page 9 of this report.

FISCAL YEAR 2002-03

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Kauer, Ray v Becky Schef, et al.	\$16,000.00	\$0	General Fund	Saginaw	Employee Discrimination. Male employee claimed he was terminated based on a work-related medical condition and discrimination due to a disability (abdominal hernia).
Key, David G. v Henry Grayson, et al.	127,500.00	0	General Fund	Jackson	Programming. Claimed denial of Sexual Offender Treatment was due to hearing impairment and that without it he would be denied parole – ADA (attorney fees).
LeMarbe, Richard v Cotton Correctional Facility, et al.	150,000.00	0	General Fund	Jackson	Medical. Claimed that failure to provide him a low fat diet resulted in chronic gall bladder condition requiring surgery in 1996; and that surgery was inadequately performed.
Lawson, Mark v MDOC	19,000.00	0	General Fund	Wayne	Employee Discrimination. Storekeeper claimed he was forced to resign on 8/3/00 due to sex and race discrimination and hostile work environment. Claimed defamation (falsely accused of rule violations) and tortuous business relations (interference with prospective employment by false statements).
Manning, Corey v John Perry, et al.	750.00	0	General Fund	Baraga	Harassment. Claimed harassment in retaliation for filing grievance.
Mesack, Dallas II v MDOC	5,000.00	0	General Fund	Wayne	Employee Discrimination. Claimed subject to racial remarks, discipline and investigation due to race.
Meyers, Laura v MDOC	162,500.00	0	General Fund	Ingham	Employee Discrimination (Race, Gender, Ethnic). Claimed discrimination based on race, gender, and ethnic background after reporting a supervisor's misconduct.
Muhammad, Norman v MDOC, et al.	29,890.00	0	General Fund	Gratiot	Employee Discrimination. Claimed harassment and discrimination based on race and religion caused "constructive" discharge.

FISCAL YEAR 2002-03

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Pearce, Sharon v Ollie Boyd, et al.	\$55,000.00	\$0	General Fund	Wayne	Employee-Other. Claimed violation of WPA (Whistle Blowers Protection Act) because she was exposed to a hostile work environment after reporting a coworker's violation of work rules.
Peck, Sherry v MDOC	5,000.00	0	General Fund	Macomb	Discrimination. Female claimed less qualified male hired and wrongful discharge from position in retaliation of complaint against a supervisor's spouse.
Raphael-X v Bobo, et al.	349.12	0	General Fund	Ingham	Discrimination. Prisoner claimed his classification to administrative segregation was only because of his religion.
Reilly, Jamie v Henry Grayson, et al.	17,000.00	0	General Fund	Jackson	Conditions of Confinement. Claimed exposure to second-hand smoke (appellate attorney fees).
Rutledge-Jonas, Jeanet v MDOC and Guana	42,500.00	0	General Fund	Ingham	Sexual Harassment, Hostile Work Environment, and Retaliation. Claimed assault by another employee and lack of action by MDOC in response to reports of harassment.
Sanders, Marvin v Robert Brown, et al.	200.00	0	General Fund	Jackson	Conditions of Confinement. Claimed he was left naked and not fed when placed in administrative segregation after he started fires in the housing unit.

FISCAL YEAR 2002-03

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Schaefer, Kathleen v MDOC, et al.	\$145,000.00	\$0	General Fund	Macomb	Employee Discrimination. Claimed she was reassigned and demoted.
Schreiber, John, Estate of v Frank Foguth, et al.	145,000.00	0	General Fund	Crawford	Personal Injury – Prisoner. Prisoner committed suicide while at Crawford County Jail after Community Residential Program violation.
Shabazz, Khalil Malik v Garland Raines	450.00	0	General Fund	Manistee	Harassment. Claimed race and religion discrimination and retaliation after complaining about food quality.
Cox, Michael, et al. v MSI, et al.	11,839.13	0	Enterprise Fund	Allegan	Sunrise Landfill – assessment to implement the principal construction activities.
Granholm, Jennifer M., et al. v MDOC	7,015.50	0	Enterprise Fund	Allegan	Sunrise Landfill – assessment to implement the principal construction activities.
FY 2002-03 TOTAL:	\$1,594,893.75	\$0			

FISCAL YEAR 2002-03

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	\$3,046,081.24	\$0	School Aid Fund	Berrien	School Desegregation.

FY 2002-03 TOTAL: \$3,046,081.24 \$0

FISCAL YEAR 2002-03

DEPARTMENT: ENVIRONMENTAL QUALITY

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Granholm v Clark Refining and Marketing, Inc.	\$114,892.72	\$42,188.03	Underground Storage Tank Assurance Fund	Oakland	Cost Recovery Action filed under the former Leaking Underground Storage Tank Act. State appealed the Circuit Court decision. Judgment for State was \$189,731.31, and the defendant was awarded mediation sanctions and attorney fees of \$304,624.03. The difference totaled \$114,892.72.
FY 2002-03 TOTAL:	\$114,892.72	\$42,188.03			

FISCAL YEAR 2002-03

DEPARTMENT: ENVIRONMENTAL QUALITY

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Mackenzie Environmental Services v State of Michigan	\$32,000.00	\$0	Cleanup Redevelopment Fund	Saginaw	Contract Dispute. Settlement agreement and release.
Mackenzie Environmental Services v State of Michigan	40,000.00	0	Cleanup Redevelopment Fund	Kalamazoo	Contract Dispute. Settlement agreement and release.
Mackenzie Environmental Services v State of Michigan	90,000.00	0	Clean Michigan Initiative	Jackson	Contract Dispute. Settlement agreement and release.
FY 2002-03 TOTAL:	\$162,000.00	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: FAMILY INDEPENDENCE AGENCY

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Kordan, Robert v FIA	\$250.00	\$0	General Fund	Iosco	Appeal of decision regarding reduction of food stamp benefits.
Puente, Kaela M.	4,000.00	0	General Fund	Muskegon	Contested denial of consent to adopt.
Slocum, Emily Rose	5,500.00	0	General Fund	Chippewa	Contested denial of consent to adopt.
Frens, Gregory v FIA	100,000.00	0	General Fund	Ingham	Enforcement of arbitration award.
Morrow, Joseph & Allison, In matter of	4,356.50	0	General Fund	Allegan	Payment of services of therapist.
Kallio, Angel	500.00	0	General Fund	Delta	Payment of cost of child care.
Markva, Richard & Deanna v DCH	12,500.00	0	General Fund	Ingham	Medicaid caretaker relatives income pro ration.
White v FIA	17,491.00	0	General Fund	Livingston	Elliott Larsen civil rights claim.
FY 2002-03 TOTAL:	\$144,597.50	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: NATURAL RESOURCES

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Canada Creek Ranch (CCR)	\$206,919.88	\$0	Natural Resources Trust Fund	Montmorency	Quiet Title action where the Court had determined that CCR, not the State, held mineral ownership involving certain parcels of land. The parcels had been leased by the State and some mineral production started, which resulted in the Bonus, Rent, and Royalty received by the State being refunded to the Lessee.
Wnuk v MDNR, SOM	100,143.00	143.00	Waterways Fund	St. Clair	Wnuk acknowledged, to release, acquit, and forever discharge the MDNR from any and all actions, cease of actions, claimed, demands, damages, costs, and compensation arising from or connected with the alleged violation of the building restriction by the construction and operation of the present boat launch facility located in the Silver Shores Subdivision.
FY 2002-03 TOTAL:	\$307,062.88	\$143.00			

FISCAL YEAR 2002-03

DEPARTMENT: STATE POLICE

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Ligori v MSP	\$5,518.00	\$0	General Fund	Macomb	Plaintiff claimed he properly requested documents under Freedom of Information Act and that Defendant refused his request stating he did not provide his date of birth, which he claimed he did.
Bascomb v MLEOTC	970,097.10	0	General Fund	Wayne	Plaintiff is a diabetic and claimed he was denied attendance to the police academy because of his handicap.
FY 2002-03 TOTAL:	\$975,615.10	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: STATE POLICE

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Kirschweng v Davenport	\$3,750.00	\$0	General Fund	Wayne	Plaintiff claimed while he was a patron at the MGM Casino, he was physically assaulted and battered by Defendant, which resulted in physical and emotional suffering, humiliation, embarrassment, shame, pain, and suffering.
Khaled v MSP, et al.	5,000.00	0	General Fund	Wayne	Plaintiffs claimed defendants broke into their home, rousted them from their beds, showers, etc., and caused the females to stand naked in the living room while they searched the wrong home.
Graham v Trooper Cook	2,500.00	0	General Fund	Wayne	Plaintiff claimed Defendant pulled him over, handcuffed him and for no justifiable reason and without just cause, defendant slammed plaintiff's face into the roof of the patrol car and when he protested, defendant assaulted and battered him.
Rodriguez v City of Detroit, et al.	5,000.00	0	General Fund	Wayne	Plaintiffs claimed while executing a search warrant at their home, defendants forced Noemi on the floor and after being told she was pregnant, struck her in the back resulting in severe pain in her back and stomach.
Stanton v MSP	1,374.00	0	General Fund	Calhoun	Plaintiff wanted MSP to pay for her dental repair because she sustained damage to her teeth during the arrest of her husband.

FISCAL YEAR 2002-03

DEPARTMENT: STATE POLICE

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Rigg v Huber	\$15,000.00	\$0	General Fund	Gladwin	Plaintiff alleged that he requested to go back inside his home to retrieve keys to a storage shed to retrieve property for Defendant, when Defendant threw him off his stoop causing him to land on his face and then proceeded to beat him.
Desilets v MSP, et al.	60,000.00	0	General Fund	St. Clair	Plaintiff claimed while in custody of Defendants who were transporting him, Defendants asked him to submit to a breathalyzer and he refused. Plaintiff claimed one of the Defendants punched him in the face, breaking his nose, while he was still handcuffed.
Andrews v SOM, et al.	1,000.00	0	General Fund	Wayne	Plaintiff suffers from a birth defect in his right ear which prevented him from scoring 90% or better on the MCOLES hearing test and he claimed Defendants were discriminating against him by failing him on the hearing test.
Hanna & Disho v Taylor, et al.	5,000.00	0	General Fund	Macomb	Plaintiffs claimed Defendants executed a search warrant on their home breaking into their home with great force and violence, knocking them to the ground, forcing them on the ground or into a secluded area, resulting in assault and battery and the Defendants executed this at the wrong address.

FISCAL YEAR 2002-03

DEPARTMENT: STATE POLICE

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Fuller v Davis, et al.	\$1,000.00	\$0	General Fund	Monroe	Plaintiffs claimed Defendants conducted a warrantless arrest, used excessive force, physical brutality, unreasonable force, badgered, racially harassed, assaulted, battered and without probable cause placed them under arrest.
FY 2002-03 TOTAL:	\$99,624.00	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: TRANSPORTATION – HIGHWAY NEGLIGENCE DIVISION

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Clark v MDOT	\$6,000.00	\$0	State Trunkline Fund	Wayne	Roadbed defect.
Fawley v MDOT	2,500.00	0	State Trunkline Fund	Wayne	Loose manhole cover.
Hammoud v MDOT	20,000.00	0	State Trunkline Fund	Wayne	Potholes.
Lila v MDOT	24,000.00	0	State Trunkline Fund	Wayne	Pavement defect.
Purtell v MDOT	35,000.00	0	State Trunkline Fund	Roscommon	Ruts.
Stewart v MDOT	30,000.00	0	State Trunkline Fund	Wayne	Hole in roadbed.
Vonlinsowe v MDOT	315,000.00	0	State Trunkline Fund	Wayne	Roadbed defect.
Wilson v MDOT	17,500.00	0	State Trunkline Fund	Wayne	Potholes.
Witherspoon v MDOT	3,500.00	0	State Trunkline Fund	Wayne	Roadbed defect.
Yang v MDOT	5,000.00	0	State Trunkline Fund	Wayne	Water on roadway.
FY 2002-03 TOTAL:	\$458,500.00	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: TRANSPORTATION – OTHER CASES

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Interstate Highway Construction, Inc.	\$360,000.00	\$0	State Trunkline Fund	Branch	Contractor sued for breach of contract alleging MDOT wrongfully eliminated the completion of the item of work: Ride Quality Measurement, and failed to compensate it at the unit price bid, for the work.
FY 2002-03 TOTAL:	\$360,000.00	\$0			

FISCAL YEAR 2002-03

DEPARTMENT: TRANSPORTATION – OTHER CASES

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Midwest Bridge Company, et al. v State of Michigan and MDOT	\$35,000.00	\$0	State Trunkline Fund	Macomb	Contractor and subcontractor sued alleging subcontractor was required to perform additional work not included in the contract specifications and that MDOT failed to compensate them for their work.
Reith-Riley Construction Company, Inc. v MDOT	231,823.58	0	State Trunkline Fund	Oceola	Contractor alleged it was required to remove and replace top course due to rutting and flushing in the finished pavement, which it alleged resulted from latent defects in MDOT's specifications.
FY 2002-03 TOTAL:	\$266,823.58	\$0			

FISCAL YEAR 2002-03

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	\$180,000.00	\$0	Delinquent Tax	Oakland	Claimed disability discrimination in violation of the Persons with Disabilities Civil Rights Act.
Donna Jeindl v Department of Treasury	89,000.00	0	Michigan Education Trust Fund	Ingham	Claimed reverse discrimination in violation of Elliott-Larsen Civil Rights Act.
Baybank v Departments of Treasury and Natural Resources	0 ¹⁾	0	Land Reutilization Fund	Delta	Tax Reversion Settlement.

¹⁾Vendor reimbursed State \$32,575 for costs pursuant to contract.

FY 2002-03 TOTAL: **\$269,000.00** **\$0**



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Appropriations Report - Initial Appropriations	Produced Annually
Appropriations Report - Year-End Appropriations	Produced Annually
Estimated State Spending by County	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 Six Times a Year
U.S. and Michigan Motor Vehicle Statistical Report	Produced Annually