

**STATUS OF LAWSUITS  
INVOLVING THE STATE OF MICHIGAN  
FY 2008-09 UPDATE**



**SENATE FISCAL AGENCY  
LANSING, MICHIGAN  
APRIL 2010**

# THE SENATE FISCAL AGENCY

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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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## TABLE OF CONTENTS

OVERVIEW .....	1
TABLE 1 TOTAL PAYMENTS BY DEPARTMENT FY 1999-2000 THROUGH FY 2008-09 .....	2
TABLE 2 JUDGMENTS PAID BY DEPARTMENT FY 1999-2000 THROUGH FY 2008-09 .....	3
TABLE 3 SETTLEMENTS PAID BY DEPARTMENT FY 1999-2000 THROUGH FY 2008-09 .....	4
TABLE 4 FY 2008-09 NUMBER OF CASES AND PAYMENTS BY DEPARTMENT .....	5
FIGURE 1 HIGHWAY NEGLIGENCE PAYMENTS FY 1983-84 THROUGH FY 2008-09 .....	7
FIGURE 2 HIGHWAY NEGLIGENCE CASES RESULTING IN PAYMENTS FY 1983-84 THROUGH FY 2008-09 .....	8
TABLE 5 RISK MANAGEMENT FUND AUTOMOTIVE LIABILITY PAYMENTS .....	9
TABLE 6 PAYMENTS TO THE STATE OF MICHIGAN .....	10
LISTING OF CASES RESULTING IN PAYMENTS DURING FY 2008-09	
AGRICULTURE .....	12
CIVIL SERVICE .....	13
COMMUNITY HEALTH .....	14
CORRECTIONS .....	15
EDUCATION .....	19
ENVIRONMENTAL QUALITY .....	20
HISTORY, ARTS, & LIBRARIES .....	22
HUMAN SERVICES .....	23
LABOR AND ECONOMIC GROWTH .....	25
MANAGEMENT & BUDGET .....	26
NATURAL RESOURCES .....	27
STATE .....	29
STATE POLICE .....	30
TRANSPORTATION .....	32
TREASURY .....	33



## 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 \$11.8 million for judgments and settlements in fiscal year (FY) 2008-09. Of the 69 cases that resulted in payments, 25 were judgments totaling \$853,422, and 44 were settlements totaling \$10,996,411. Payments in FY 2008-09 were \$4.0 million lower than the \$15.8 million reported in FY 2007-08. The State General Fund was the funding source for \$8.3 million (70.3%) of the FY 2008-09 payments.

Tables on pages 2, 3, and 4 provide a 10-year history (FY 1999-2000 through FY 2008-09) 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 provides a summary of FY 2008-09 payments by department. 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 also includes an overview of cases that resulted in payments to the State of Michigan. Table 6 and information following on pages 10 and 11 provide an overview of amounts received by the State.

The FY 2008-09 reports submitted by State departments and agencies on payments made by the State 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 1

TOTAL COURT JUDGMENTS AND SETTLEMENTS PAID BY THE STATE (Actual Dollars)										
DEPARTMENT	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Agriculture	\$133,058	\$789	\$12,500	\$116,416	\$0	\$7,500	\$12,384	\$0	\$0	\$16,000
Attorney General	0	100,000	83,308	297,000	0	0	0	182,349	415,000	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	0	0	0	0	0	0	0	0	0	12,500
Community Health	149,088	106,000	387,750	2,092,756	114,889	156,000	1,428,000	800,000	2,481,500	615,000
CIS	19,459	1,917,304	0	3,000						
Corrections	5,465,079	5,371,081	3,380,386	1,788,948	1,672,725	3,007,509	904,749	612,097	4,886,697	450,134
Education	1,628,259	1,368,306	2,123,500	3,046,081	2,299,211	1,717,015	1,163,905	309,441	573,965	455,791
Environmental Quality	1,516,756	0	0	276,893	738,250	3,541	1,180,073	2,504,987	4,046	532,605
Executive	0	0	0	0	0	0	0	0	0	0
History, Arts, & Libraries			1,000	0	0	0	0	0	0	35,000
Human Services	107,311	1,520,345	339,422	144,597	447,237	224,861	227,007	1,355,000	287,750	6,609,260
Information Technology			0	0	0	0	0	0	799,130	0
Judiciary	0	0	0	0	0	0	0	0	80,000	0
Labor & Econ. Growth					503,067	2,273,159	0	51,500	430,538	170,000
Lottery	1,500	0	0	0	0	0	0	0	0	0
Management & Budget	22,500	1,611,654	308,641	0	0	735,000	2,769,000	15,156,515	572,725	221,718
MI Strategic Fund	0	0	0	0	0	0	0	0	0	0
Military Affairs	0	8,793	0	0	0	0	0	0	0	0
Natural Resources	17,787,910	299,756	47,177	307,063	796,280	1,095,146	182,204	252,446	308,307	22,328
State	36,400	1,000	150	0	2,099	5,000	504,000	485,780	55,000	9,365
State Police	513,664	875,572	1,424,855	1,075,239	842,330	264,900	323,702	1,617,738	2,544,330	31,090
Transportation	13,046,755	1,396,360	1,897,922	1,085,324	10,774,291	3,045,406	743,500	8,466,876	316,000	582,000
Treasury	107,659	0	180,000	269,000	120,632	82,011	254	0	2,046,531	2,087,042
<b>TOTAL</b>	<b>\$40,535,398</b>	<b>\$14,576,960</b>	<b>\$10,186,611</b>	<b>\$10,502,317</b>	<b>\$18,311,011</b>	<b>\$12,617,048</b>	<b>\$9,438,778</b>	<b>\$31,794,729</b>	<b>\$15,801,519</b>	<b>\$11,849,833</b>

Table 2

COURT JUDGMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Agriculture	\$0	\$789	\$0	\$116,416	\$0	\$0	\$0	\$0	\$0	\$0
Attorney General	0	100,000	81,808	0	0	0	0	0	0	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	0	0	0	0	0	0	0	0	0	0
Community Health	21,633	1,000	250	1,025,273	100,000	0	0	0	0	0
CIS	0	417,304	0	3,000						
Corrections	428,729	3,106,093	1,067,178	194,054	1,035,594	373,974	83,881	27,950	4,469	8,287
Education	1,628,259	1,368,306	2,123,500	3,046,081	2,287,211	1,717,015	1,159,905	309,441	210,965	455,791
Environmental Quality	1,516,756	0	0	114,893	750	3,541	64,073	2,105,395	0	35,801
Executive	0	0	0	0	0	0	0	0	0	0
History, Arts, & Libraries			0	0	0	0	0	0	0	0
Human Services	764	0	8,682	0	115,652	0	0	0	0	4,500
Information Technology			0	0	0	0	0	0	0	0
Judiciary	0	0	0	0						
Labor & Econ. Growth					68,567	2,273,159	0	30,000	0	0
Lottery	0	0	0	0	0	0	0	0	0	0
Management & Budget	22,500	1,611,654	78,641	0	0	0	0	0	0	221,718
MI Strategic Fund	0	0	0	0	0	0	0	0	0	0
Military Affairs	0	0	0	0	0	0	0	0	0	0
Natural Resources	1,537,910	152,162	0	307,063	5,788	0	77,404	0	600	21,328
State	0	0	150	0	2,099	5,000	0	780	0	9,365
State Police	0	0	0	975,615	41,328	0	0	1,881	383	9,590
Transportation	2,875,000	0	0	360,000	0	0	0	0	0	0
Treasury	0	0	0	0	120,632	34,511	254	0	46,531	87,042
<b>TOTAL</b>	<b>\$8,031,551</b>	<b>\$6,757,308</b>	<b>\$3,360,209</b>	<b>\$6,142,395</b>	<b>\$3,777,621</b>	<b>\$4,407,200</b>	<b>\$1,385,517</b>	<b>\$2,475,447</b>	<b>\$262,948</b>	<b>\$853,422</b>

Table 3

SETTLEMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Agriculture	\$133,058	\$0	\$12,500	\$0	\$0	\$7,500	\$12,384	\$0	\$0	\$16,000
Attorney General	0	0	1,500	297,000	0	0	0	182,349	415,000	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	0	0	0	0	0	0	0	0	0	12,500
Community Health	127,455	105,000	387,500	1,067,483	14,889	156,000	1,428,000	800,000	2,481,500	615,000
CIS	19,459	1,500,000	0	0	0	0	0	0	0	0
Corrections	5,036,350	2,264,988	2,313,208	1,594,894	637,131	2,633,535	820,868	584,147	4,882,228	441,847
Education	0	0	0	0	12,000	0	4,000	0	363,000	0
Environmental Quality	0	0	0	162,000	737,500	0	1,116,000	399,592	4,046	496,804
Executive	0	0	0	0	0	0	0	0	0	0
History, Arts, & Libraries	0	0	1,000	0	0	0	0	0	0	35,000
Human Services	106,547	1,520,345	330,740	144,597	331,585	224,861	227,007	1,355,000	287,750	6,604,760
Information Technology	0	0	0	0	0	0	0	0	799,130	0
Judiciary	0	0	0	0	0	0	0	0	80,000	0
Labor & Econ. Growth	0	0	0	0	434,500	0	0	21,500	430,538	170,000
Lottery	1,500	0	0	0	0	0	0	0	0	0
Management & Budget	0	0	230,000	0	0	735,000	2,769,000	15,156,515	572,725	0
MI Strategic Fund	0	0	0	0	0	0	0	0	0	0
Military Affairs	0	8,793	0	0	0	0	0	0	0	0
Natural Resources	16,250,000	147,594	47,177	0	790,492	1,095,146	104,800	252,446	307,707	1,000
State	36,400	1,000	0	0	0	0	504,000	485,000	55,000	0
State Police	513,664	875,572	1,424,855	99,624	801,002	264,900	323,702	1,615,857	2,543,947	21,500
Transportation	10,171,755	1,396,360	1,897,922	725,324	10,774,291	3,045,406	743,500	8,466,876	316,000	582,000
Treasury	107,659	0	180,000	269,000	0	47,500	0	0	2,000,000	2,000,000
<b>TOTAL</b>	<b>\$32,503,847</b>	<b>\$7,819,652</b>	<b>\$6,826,402</b>	<b>\$4,359,922</b>	<b>\$14,533,390</b>	<b>\$8,209,848</b>	<b>\$8,053,261</b>	<b>\$29,319,282</b>	<b>\$15,538,571</b>	<b>\$10,996,411</b>

**PAYMENTS BY DEPARTMENTS**

Table 4 summarizes payments by department.

Table 4

DEPARTMENT	STATE PAYMENTS	PERCENT OF TOTAL
Community Health	\$615,000	5.2%
Corrections	450,134	3.8
Education	455,791	3.8
Environmental Quality	532,605	4.5
Human Services	6,609,260	55.8
Transportation	582,000	4.9
Treasury	2,087,042	17.6
Other Departments	518,001	4.4
TOTAL	\$11,849,833	100.0

Community Health

The Department of Community Health made payments in four cases totaling \$615,000. Lanman, et al. v Hinson, et al., a case alleging wrongful death of a former prisoner, accounted for \$500,000 of total payments by the Department.

Corrections

The Department of Corrections made payments in 33 cases totaling \$450,134. Payments ranged from \$8.50 in Reeves v Greenfield et al., in which a prisoner claimed he was assaulted by staff, to \$175,000 in Drogosch v Metcalf, et al., in which the plaintiff contended he was illegally held at the Wayne County Jail. Twenty-eight cases had payments under \$20,000. Five cases accounted for 83% of the total payments made by the Department of Corrections.

Education

Payments by the Department of Education consisted of \$234,073 related to the Berry v Benton Harbor school desegregation case and \$221,718 for a contract dispute involving the distribution of USDA food commodities in J & B Sausage Co. v Department of Management and Budget and Department of Education. The Department of Management and Budget also paid \$221,718, bringing the total payment in this case to \$ 443,436. The case involved a dispute over food ordered through the U.S. Department of Agriculture school lunch program from the J & B Sausage Company.

### Environmental Quality

The Department of Environmental Quality made payments in five cases totaling \$532,605. Two cases involving contract disputes accounted for \$495,761 (93.1%) of payments made by the Department.

### Human Services

The Department of Human Services (DHS) made payments in five cases totaling \$6,609,260. One case, Dwayne B v DHS, accounted for \$6,381,760. The payment was for attorneys' fees and nontaxable costs in a class action lawsuit that sought broad systemic changes in Michigan's foster care system. (A consent decree was reached in that case.)

### Transportation

Michigan Department of Transportation (MDOT) payments in four cases totaled \$582,000. One case, Gottron v MDOT, accounted for \$450,000. The case involved serious injuries to a motorcyclist who lost control of a motorcycle after hitting a pothole on the I-75 ramp in the City of Taylor. There was one other highway negligence case, which resulted in a payment of \$70,000. Highway negligence payments accounted for \$520,000 (89.3%) of the total amount paid by MDOT in FY 2008-09.

From FY 1983-84 through FY 2008-09, the State paid \$233.0 million resulting from 1,166 highway negligence cases. Total payments and the number of cases resulting from highway negligence litigation have declined dramatically over recent years. The reduced level of cases and payments can be attributed to statutory changes (tort reform) and rulings by the Michigan Supreme Court that limited the State's exposure to liability. Figure 1 delineates highway negligence payments attributed to each fiscal year from FY 1983-84 through FY 2008-09. Figure 2 displays the declining number of cases resulting in payments.

### Treasury

The Department of Treasury made payments in three cases totaling \$2,087,042. Of that amount, \$2.0 million resulted from Black Stone Minerals Co., L.P. v Michigan Department of Treasury, which involved severed oil and gas interests. Black Stone involves a multiyear settlement. Payments were made in FY 2007-08 and FY 2008-09. A final payment will be made in October 2010. The total settlement amounts to \$5.5 million.

Figure 1

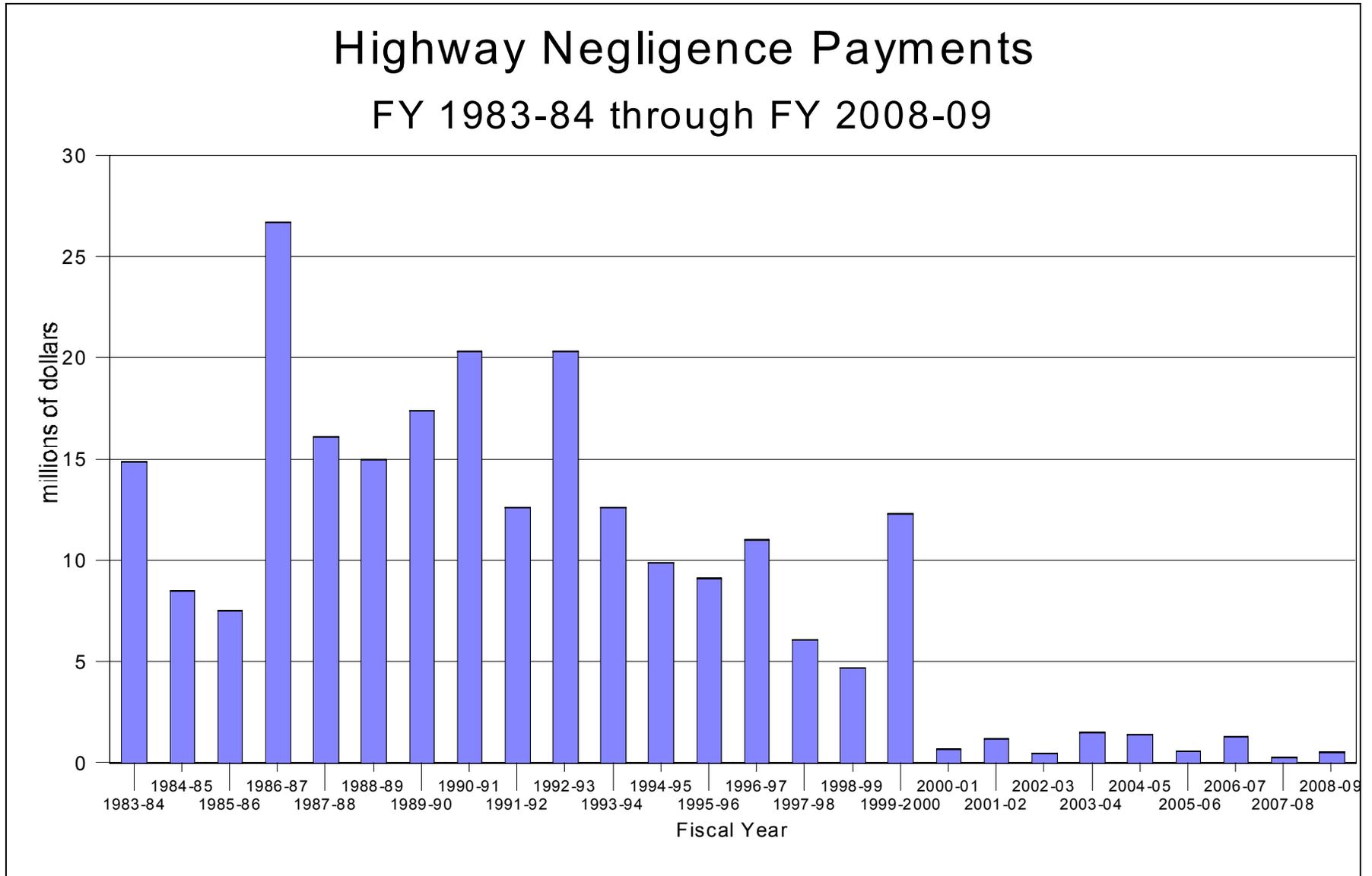
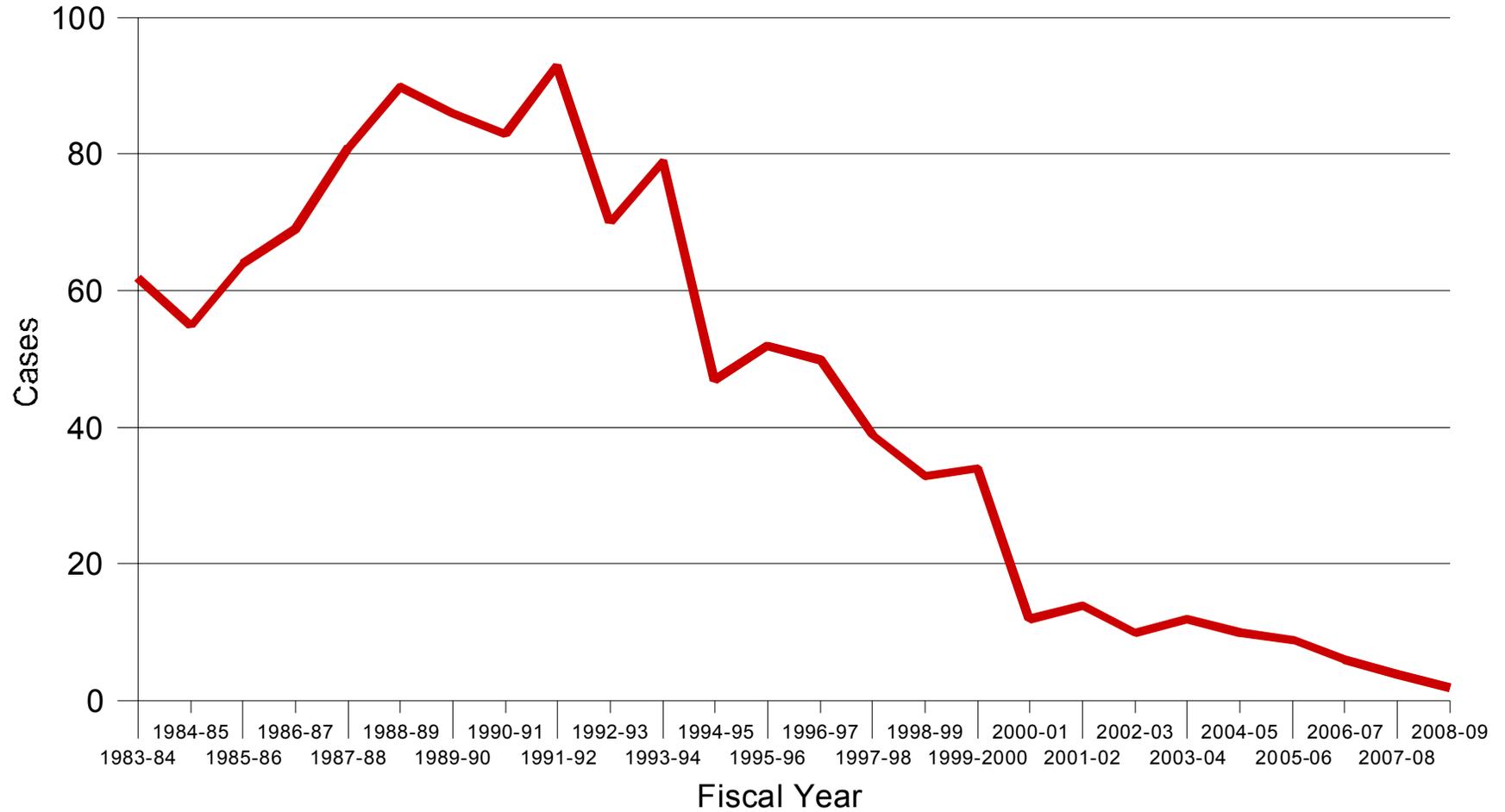


Figure 2

# Highway Negligence Cases Resulting in Payments FY 1983-84 through FY 2008-09



## 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 \$1.0 million 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
FY 2003-04	\$2,718,182
FY 2004-05	\$2,941,684
FY 2005-06	\$1,457,041
FY 2006-07	\$2,506,962
FY 2007-08	\$1,316,613
FY 2008-09	\$1,432,166

**PAYMENTS TO THE STATE OF MICHIGAN**

The following table provides a summary of FY 2008-09 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 2008-09
Attorney General	\$301,673,141
Corrections	2,334,446
Environmental Quality	17,148,831
Transportation	630,399
Treasury	62,733,545
Other Departments	250,727
<b>TOTAL</b>	<b>\$384,771,089</b>

Attorney General

Of the amount reported by the Department of Attorney General, approximately \$279.0 million resulted from annual payments under the Master Tobacco Settlement Agreement. The total FY 2008-09 amount received by the State in this case was \$318.4 million. The difference, \$39.3 million, was reported by the Department of Treasury. Most of the remaining payments to the Department of Attorney General resulted from consumer protection and health care fraud cases.

Corrections

All of the payments listed by the Department of Corrections resulted from cases filed under the Prisoner Reimbursement Act. The Department reported 288 cases with net payments totaling just over \$2.3 million. Payments ranged from \$45.03 to \$61,947.83. There were 155 cases with payments of less than \$5,000, accounting for \$342,738. Thirty-seven cases with payments over \$20,000 accounted for \$1.1 million. The median payment was \$4,610. Pursuant to Section 309 of the FY 2009-10 General Government appropriation bill, the Department of Attorney General receives an appropriation of \$470,600 from the prisoner reimbursement funds to support activities related to the State Correctional Facility Reimbursement Act, MCL 800.401 to 800.406. In addition, if the

Department collects in excess of \$1,131,000 in gross annual prisoner reimbursement receipts provided to the General Fund, the excess, up to a maximum of \$1,000,000, is appropriated to the Department of Attorney General and may be spent on the representation of the Department of Corrections and its officers, employees, and agents, including, but not limited to, the defense of litigation against the State, its departments, officers, employees, or agents in civil actions filed by prisoners.

#### Environmental Quality

A majority of the \$17.1 million received by the Department of Environmental Quality was related to cases involving reimbursement for environmental contamination. Recoveries in those cases are deposited into the Environmental Response Fund. Numerous cases involved discharges made without a permit; these recoveries are deposited in the State General Fund. Of the 279 cases with payments to the State, 236 involved payments of less than \$30,000 each. Sixteen cases with payments of \$100,000 and above accounted for \$14.4 million (84.1%) of the payments received by the Department of Environmental Quality in FY 2008-09. The largest payment was \$6.7 million in South Macomb Disposal Authority, a case involving reimbursement for environmental contamination.

#### Transportation

Payments to the Michigan Department of Transportation included 22 cases totaling \$630,399. Payments ranged from \$1,056 to \$106,421. The cases involved claims alleging damage to bridge overpasses, guardrails, signs, and other State property, and cleanup costs.

#### Treasury

Payments to the Department of Treasury consisted of \$39.3 million that is allocated for debt service on the securitized portion of the Master Tobacco Settlement Agreement and two payments from the Tyco International Settlement totaling \$23.4 million. The Tyco litigation was filed on behalf of the Michigan Retirement Systems alleging securities fraud causing Michigan pension funds to lose millions of dollars.

**FISCAL YEAR 2008-09**

DEPARTMENT: AGRICULTURE

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
County Line Game Ranch, L.L.C. and Salvatore D. Palombo v Michigan Department of Agriculture (MDA)	\$16,000.00	\$0	General Fund	Macomb	After Pseudorabies was confirmed, County Line claimed that the MDA guaranteed payment for depopulation of County Line's wild boar population within 2 weeks of the U.S. Department of Agriculture (USDA) payment. The MDA maintains that County Line was told it would be 2-3 weeks after depopulation was complete. The USDA paid on July 15, 2008; depopulation was complete on September 17, 2008; The MDA paid County Line on October 9, 2008.
<b>FY 2008-09 TOTAL:</b>	<b>\$16,000.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: CIVIL SERVICE

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Catherine Roth and Civil Service Commission	\$12,500.00	\$0	54% Restricted 46% General	Ingham	Employment grievance.
<b>FY 2008-09 TOTAL:</b>	<b>\$12,500.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: COMMUNITY HEALTH

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Patricia Lanman, et al. v Hinson, et al.	\$500,000.00	\$0	General Fund	Oakland	Estate of former prisoner alleging wrongful death.
Sheila Hannibal v MDCH, et al.	25,000.00	0	General Fund	Washtenaw	Gender discrimination, hostile work environment.
Harry Ambs v State of Michigan	65,000.00	0	General Fund	Isabella	Third-party automobile negligence lawsuit involving MDCH employee.
Westside Mothers, et al. v Haveman	25,000.00	0	General Fund	Statewide	This is the last payment to be made by the MDCH pursuant to the settlement agreement. The total settlement was \$250,000 between 2007 and 2009.
<b>FY 2008-09 TOTAL:</b>	<b>\$615,000.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: CORRECTIONS

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Alexander, Anthony v MDOC	\$150.00	\$0	General Fund	Gratiot	Costs - Petitions for Review - Appeal of misconduct.
Boles, Robert v Gary Lewis, et al.	56.33	0	General Fund	Ionia	Costs - Medical - Plaintiff claimed special diet detail was taken away without cause.
Brown, Roy Lee v MDOC	150.00	0	General Fund	Chippewa	Costs - Petitions for Review - Appeal of misconduct.
Galafati, Valanino v MDOC	150.00	0	General Fund	Gratiot	Costs - Petition for Judicial Review - Appeal of misconduct.
Garrison, Michael, et al. v MDOC, et al.	495.00	0	General Fund	Montcalm	Costs - Religion - Five plaintiffs complained about not being able to practice Native American religion in meaningful ways.
Henley, Dwight v MDOC	150.00	0	General Fund	Arenac	Security Classification - Claimed Notice of Intent for placement in Administrative Segregation. Should not have been upheld at hearing.
Hicks v MDOC	150.00	0	General Fund	Ionia	Costs - Petitions for Review - Appeal of misconduct.
Jordan-el, Simone T. v MDOC	150.00	0	General Fund	Ionia	Costs - Petition for Judicial Review - Appeal of misconduct.
O'Donnell, Benjamin v MDOC	150.00	0	General Fund	Branch	Costs - Petition for Judicial Review - Appeal of misconduct.
Rusiecki, Stephen v MDOC	150.00	0	General Fund	Gogebic	Costs - Petition for Judicial Review - Appeal of misconduct.
Suggs, Ronny v Dustin Caballero	1,000.00	0	General Fund	Gratiot	Harassment - claimed harassment by defendant.

**FISCAL YEAR 2008-09**

DEPARTMENT: CORRECTIONS

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Tansil, Luther Brady v Department of Navy	30.00	0	General Fund	Luce	Legal - Copies.
Thompson, Richard v Patricia Caruso	5,505.22	0	General Fund	Marquette	Mail - Legal plus costs - Plaintiff claimed legal mail was opened outside his presence.
<b>FY 2008-09 TOTAL:</b>	<b>\$8,286.55</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: CORRECTIONS

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Bender, Charles W. Jr. v Raymond Booker, et al.	\$12,833.33	\$0	General Fund	Wayne	Plaintiff claimed he was unlawfully searched, detained, and had documents seized on 12/06/06.
Broder, Steven v Patricia Caruso, et al.	50,000.00	0	General Fund	Jackson	Plaintiff claimed delay in diagnosis and treatment for throat cancer.
Copenhaver, Joshua v MDOC, et al.	500.00	0	General Fund	Branch	Harassment and denial of certain religious practices.
Damuth, Ronald M. Sr. v Raymond Booker, et al.	13,333.33	0	General Fund	Wayne	Plaintiff claimed he was unlawfully searched, detained, and had documents seized on 12/06/06.
Davis, Wantwaz v Thomas Bell, et al.	99,999.00	0	General Fund	Montcalm	Conditions of confinement, environmental tobacco smoke.
Dawson, Deon v Linda Adams	2,000.00	0	General Fund	Gratiot	Plaintiff alleged due process violations and retaliation.
Drogosch, Edward J. v Timothy Metcalf, et al.	175,000.00	0	General Fund	Wayne	Plaintiff contended he was illegally held at Wayne County Jail.
Fellhauer, Faelyn v MDOC, et al.	4,500.00	0	General Fund	Lenawee	Plaintiff claimed hostile work environment and gender discrimination/harassment.
Fisher, Frederick v Patricia Caruso, et al.	30,000.00	0	General Fund	Jackson	Conditions of confinement, environmental tobacco smoke.
Horacek, Daniel v Dave Burnett	20,000.00	0	General Fund	Chippewa	Kosher diet.
Keith, David Wayne v Raymond Booker, et al.	13,333.33	0	General Fund	Wayne	Plaintiff claimed he was unlawfully searched, detained, and had documents seized on 12/06/06.
Kelly, Opelton v Joanie Hinsa, et al. and Unknown Holman, et al.	550.00	0	General Fund	Alger	Plaintiff claimed legal mail was opened outside his presence.

**FISCAL YEAR 2008-09**

DEPARTMENT: CORRECTIONS

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Loukas, Michael v John Barney, et al.	800.00	0	General Fund	Manistee	Prisoner's religious medallion was confiscated.
Pennebaker, Danny Ray v MDOC	5,540.00	0	General Fund	Jackson	Plaintiff claimed he was discharged from prison 154 days after his maximum out-date.
Ray, Karyn v MDOC, et al.	6,500.00	0	General Fund	Lapeer	Plaintiff alleged discrimination and retaliation by staff and warden after having filed a sexual harassment complaint.
Reeves, Fred v Greenfield, et al.	8.50	0	General Fund	Ionia	Prisoner claimed he was assaulted by staff.
Spearman, Maurice	5,500.00	0	General Fund	Arenac	Plaintiff claimed he was being discriminated against because of his race and because he filed several grievances and lawsuits.
Swackhammer, Donald v Scott Nicewander, et al.	500.00	0	General Fund	Manistee	Plaintiff claimed he was forced to strip in front of other inmates and female staff.
Wrappler, Michael v Karen Tucker-Buckingham, et al.	750.00	0	General Fund	Muskegon	Plaintiff claimed legal mail was opened outside his presence.
Winburn v Kathleen Hallowell	200.00	0	General Fund	Muskegon	Plaintiff claimed legal work was taken from him.
<b>FY 2008-09 TOTAL:</b>	<b>\$441,847.49</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: EDUCATION

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Barbara Jean Berry, et al. v City of Benton Harbor School District, et al.	\$234,073.03	\$0	School Aid Fund	Berrien	School desegregation.
J & B Sausage Co. v State of Michigan, et al.	221,718.43	0	General Fund - \$204,718.43 Commodity Distribution Fee - \$17,000.00	Ingham	Contract dispute.
<b>FY 2008-09 TOTAL:</b>	<b>\$455,791.46</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

**DEPARTMENT: ENVIRONMENTAL QUALITY**

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Dennis & Carol Dubuc	\$35,357.04	\$7,357.04	General Fund	Kalkaska	Regulatory takings case.
Rexair, Inc.	444.00	0	CMI	Ingham	Taxed costs.
<b>FY 2008-09 TOTAL:</b>	<b>\$35,801.04</b>	<b>\$7,357.04</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: ENVIRONMENTAL QUALITY

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Innovative Environmental Solutions, Inc.	\$1,043.28	\$0	Refined Petroleum Fund	Genesee	Reimbursement for corrective action costs for lab analysis.
Acme Contracting, LTD	250,000.00	0	Environmental Protection Bond Fund, CMI	Wayne	Contract dispute.
Acme Contracting, LTD	245,761.00	0	State Site Cleanup Fund	Wayne	Contract dispute.
<b>FY 2008-09 TOTAL:</b>	<b>\$496,804.28</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

**DEPARTMENT: HISTORY, ARTS & LIBRARIES**

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Craig v Department of History, Arts, & Libraries	\$35,000.00	\$0	General Fund	Ingham	Slip and fall at the Michigan Historical Museum.
<b>FY 2008-09 TOTAL:</b>	<b>\$35,000.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

**DEPARTMENT: HUMAN SERVICES**

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
In the Matter of Sid L. Eler	\$4,500.00	\$0	General Fund	Ingham	Medicaid eligibility appeal. Judge ordered DHS to pay plaintiff's attorney fees.
<b>FY 2008-09 TOTAL:</b>	<b>\$4,500.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: HUMAN SERVICES

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Clemons Transport v DHS	\$20,000.00	\$0	General Fund	Jackson	Contract matter. Payment of transportation costs for DHS customers.
Tate v Arbor Heights	200,000.00	0	General Fund	Washtenaw	Failure to protect minor in juvenile facility.
Children's Home of Detroit v Macomb DHS	3,000.00	0	General Fund	Macomb	Dispute over amount of child placement costs.
Dwayne B v DHS	6,381,760.39	0	General Fund	Statewide	Payment of plaintiff's expert witness fees, attorney fees, and costs.
<b>FY 2008-09 TOTAL:</b>	<b>\$6,604,760.39</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: LABOR AND ECONOMIC GROWTH

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Craig R. Petersen v DLEG	\$50,000.00	\$0	P & I Fund, Worker's Compensation Admin. Fund	Ingham	Settlement related to abolishment of employee's civil service position. There will be additional \$50,000 payments in 2010 and 2011.
Siesta Village v Granholm	120,000.00	0	Liquor Purchase Revolving Fund	Statewide	Settlement for attorney fees related to a case for direct shipping spirits by a retailer in Florida. Michigan lost the case but within a couple of weeks the law as changed to disallow any spirits from being directly shipped.
<b>FY 2008-09 TOTAL:</b>	<b>\$170,000.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

**DEPARTMENT: MANAGEMENT AND BUDGET**

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
J & B Sausage Co. v Department of Management & Budget and Department of Education	\$221,718.00	\$39,951.00	General Fund	Statewide	Dispute over food ordered through U.S. Department of Agriculture school lunch program from the J & B Sausage Co. Payment is for DMB's 50% of total judgment of \$443,436. The other 50% was paid by the Department of Education.
<b>FY 2008-09 TOTAL:</b>	<b>\$221,718.00</b>	<b>\$39,951.00</b>			

**FISCAL YEAR 2008-09**

**DEPARTMENT:** NATURAL RESOURCES

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Rebecca Rininger, Allegan County Drain Commissioner, Roger Zilke, Berrien County Drain Commissioner, Steven Christensen, Leelanau County Drain Commissioner, Jim Zavislak, Montmorency County Drain Commissioner, Pat Baker, Newaygo County Drain Commissioner, Jeffrey Wenzel, St. Joseph County Drain Commissioner v DNR	\$21,328.15	\$0	General Fund	Allegan, Berrien, Leelanau, Montmorency, Newaygo, St. Joseph	Consent judgment for lake level assessment fees and attorney fees.
<b>FY 2008-09 TOTAL:</b>	<b>\$21,328.15</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

**DEPARTMENT:** : NATURAL RESOURCES

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Jeremy Kinnunen v DNR	\$1,000.00	\$0	Park Improvement Fund & Waterways Fund	Keweenaw	Employee settlement.
<b>FY 2008-09 TOTAL:</b>	<b>\$1,000.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: STATE

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Practical Political Consulting (PPC), Inc. v Secretary of State Terry Lynn Land, Michigan Department of State Office of the Secretary of State	\$9,365.00	\$0	Restricted - \$9,177.70 General Fund - \$187.30	Ingham	Legal and Regulation Services Administration denied a Freedom of Information Act (FOIA) request that sought disclosure of voters' political party preferences, which were recorded during the January 15, 2008 presidential primary election, and the requester filed suit to compel the Department to release the information. Ingham County Circuit Court Judge Joyce Draganchuk granted the Plaintiff's motion for summary disposition, holding that the Department violated the FOIA when it denied PPC's request. The Court did not find that the Department's denial was arbitrary and capricious, meaning that the Plaintiff will not be able to recover punitive damages, but did award attorney fees of \$9,175 and costs of \$190 to Plaintiff. The Court also issued a stay pending the Defendant's appeal, which means that the Department will not be required to disclose the requested records until the Court of Appeals rules in the matter. The Court of Appeals heard oral arguments on November 10, 2009. It is anticipated that the Court of Appeals decision will be issued during FY 2009-10.
<b>FY 2008-09 TOTAL:</b>	<b>\$9,365.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: STATE POLICE

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Jarvis, et al. v State of Michigan, et al.	\$9,000.00	\$0	General Fund	Wayne	Freedom of Information Act lawsuit.
Jose Luis Perez Moreno v Benzie County Concealed Weapons Licensing Board	250.00	0	General Fund	Benzie	Concealed weapons license lawsuit.
Ochab v Keford's Novi Towing, et al.	340.00	0	General Fund	Oakland	Default judgment for storage fees and court costs.
<b>FY 2008-09 TOTAL:</b>	<b>\$9,590.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: STATE POLICE

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Asher v Gunter	\$3,500.00	\$0	General Fund	Wayne	Gross negligence lawsuit.
Vargas v Fossati	18,000.00	0	General Fund	Kalamazoo	Excessive force lawsuit.
<b>FY 2008-09 TOTAL:</b>	<b>\$21,500.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: TRANSPORTATION

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Dan's Excavating, Inc. v MDOT	\$30,000.00	\$0	State Trunkline Fund	Wayne	Contractor claimed compensation associated with damages that occurred to SBC facilities. Breach of contract; unjust enrichment and quantum meruit.
Gottron v MDOT	450,000.00	0	State Trunkline Fund	Wayne	Motorcyclist lost control of motorcycle after hitting a pothole on I-75 exit ramp in the City of Taylor, causing serious injuries.
Cox v MDOT, et al.	32,000.00	0	State Trunkline Fund	Wayne	Former employee claimed wrongful discharge; compensatory damages and loss of fringe benefits, etc.
Wisz v MDOT	70,000.00	0	State Trunkline Fund	Wayne	Motorcyclist sued for injuries caused by losing control of motorcycle after hitting a pothole on I-75 near Clark Road.
<b>FY 2008-09 TOTAL:</b>	<b>\$582,000.00</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

**DEPARTMENT: TREASURY**

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Baumgart v Michigan Department of Treasury	\$62,042.19	\$0	General Fund	Oakland	Lack of notice in regard to foreclosure.
Young v Michigan Department of Treasury	25,000.00	0	General Fund	Eaton	Lack of notice in regard to foreclosure.
<b>FY 2008-09 TOTAL:</b>	<b>\$87,042.19</b>	<b>\$0</b>			

**FISCAL YEAR 2008-09**

DEPARTMENT: TREASURY

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

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Black Stone Minerals Co., L.P. v Michigan Department of Treasury	\$1,999,999.97	\$0	Land Reutilization Fund	Antrim	Severed oil and gas interests.
<b>FY 2008-09 TOTAL:</b>	<b>\$1,999,999.97</b>	<b>\$0</b>			



