STATUS OF LAWSUITS INVOLVING THE STATE OF MICHIGAN FY 2005-06 UPDATE

SENATE FISCAL AGENCY
LANSING, MICHIGAN

MAY 2007

THE SENATE FISCAL AGENCY

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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.
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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 $9,438,778 for judgments and settlements in fiscal year (FY) 2005-06. Of the 78 cases that resulted in payments, 15 were judgments totaling $1,385,517, and 63 were settlements totaling $8,053,261. Payments in FY 2005-06 were $3,178,270 (25.2%) lower than the $12,617,048 reported in FY 2004-05. The funding sources for payments in FY 2005-06 were as follows:

FUNDING SOURCE	AMOUNT	PERCENT
State General Fund	$3,873,184	41.0
State Restricted Funds	3,662,189	38.8
State School Aid Fund	1,159,905	12.3
State Trunkline Fund	743,500	7.9
TOTAL:	$9,438,778	100.0

Tables on pages 2, 3, and 4 provide a 10-year history (FY 1996-97 through FY 2005-06) 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 2005-06 cases and payments by department. Table 5 on page 10 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. The report also includes an overview of cases that resulted in payments to the State of Michigan. Table 6 and information following on pages 11 and 12 provide an overview of amounts received by the State.

The FY 2005-06 reports for payments submitted by State departments and agencies follow beginning on page 13. 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	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
Agriculture	$224,710	$10,000	$0	$133,058	$789	$12,500	$116,416	$0	$7,500	$12,384
Attorney General	0	0	0	0	100,000	83,308	297,000	0	0	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	30,000	0	0	0	0	0	0	0	0	0
Community Health	908,000	2,131,565	659,922	149,088	106,000	387,750	2,092,756	114,889	156,000	1,428,000
CIS	21,595	153,928	178,460	19,459	1,917,304	0	3,000			0
Corrections	4,639,321	3,227,817	1,780,090	5,465,079	5,371,081	3,380,386	1,788,948	1,672,725	3,007,509	904,749
Education	1,878,837	213,832,688	1,705,551	1,628,259	1,368,306	2,123,500	3,046,081	2,299,211	1,717,015	1,163,905
Environmental Quality	98,870	2,566	10,998	1,516,756	0	0	276,893	738,250	3,541	1,180,073
Executive	0	0	0	0	0	0	0	0	0	0
History, Arts, & Libraries						1,000	0	0	0	0
Human Services	1,399,850	2,115,076	320,938	107,311	1,520,345	339,422	144,597	447,237	224,861	227,007
Information Technology						0	0	0	0	0
Judiciary	724,000	0	10,000	0	0	0	0	0	0	0
Labor & Econ. Growth								503,067	2,273,159	0
Lottery	13,420	13,581	17,565	1,500	0	0	0	0	0	0
Management & Budget	106,000	5,500	75,000	22,500	1,611,654	308,641	0	0	735,000	2,769,000
MI Jobs Commission	156,239	23,681								
MI Strategic Fund			0	0	0	0	0	0	0	0
Military Affairs	225,000	2,405,000	90,000	0	8,793	0	0	0	0	0
Natural Resources	3,442,198	2,906,895	1,872,915	17,787,910	299,756	47,177	307,063	796,280	1,095,146	182,204
State	7,500	1,817	101,460	36,400	1,000	150	0	2,099	5,000	504,000
State Police	873,069	868,141	787,057	513,664	875,572	1,424,855	1,075,239	842,330	264,900	323,702
Transportation	11,080,416	8,383,808	5,074,922	13,046,755	1,396,360	1,897,922	1,085,324	10,774,291	3,045,406	743,500
Treasury	65,669	11,500	0	107,659	0	180,000	269,000	120,632	82,011	254
TOTAL:	$25,894,694	$236,093,563	$12,684,878	$40,535,398	$14,576,960	$10,186,611	$10,502,317	$18,311,011	$12,617,048	$9,438,778

Table 2

COURT JUDGMENTS PAID BY THE STATE
(Actual Dollars)

DEPARTMENT	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
Agriculture	$0	$0	$0	$0	$789	$0	$116,416	$0	$0	$0
Attorney General	0	0	0	0	100,000	81,808	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	136,000	0	310,422	21,633	1,000	250	1,025,273	100,000	0	0
CIS	15,000	100,000	160,000	0	417,304	0	3,000			
Corrections	2,905,509	1,165,825	627,851	428,729	3,106,093	1,067,178	194,054	1,035,594	373,974	83,881
Education	1,297,349	213,823,188	1,684,540	1,628,259	1,368,306	2,123,500	3,046,081	2,287,211	1,717,015	1,159,905
Environmental Quality	0	2,566	10,998	1,516,756	0	0	114,893	750	3,541	64,073
Executive	0	0	0	0	0	0	0	0	0	0
History, Arts, & Libraries						0	0	0	0	0
Human Services	1,066	3,310	0	764	0	8,682	0	115,652	0	0
Information Technology						0	0	0	0	0
Judiciary	0	0	0	0	0	0	0		0	0
Labor & Econ. Growth								68,567	2,273,159	0
Lottery	0	0	0	0	0	0	0	0	0	0
Management & Budget	0	0	0	22,500	1,611,654	78,641	0	0	0	0
MI Jobs Commission	0	0								
MI Strategic Fund			0	0	0	0	0	0	0	0
Military Affairs	5,000	2,400,000	0	0	0	0	0	0	0	0
Natural Resources	901,193	2,901,395	409,888	1,537,910	152,162	0	307,063	5,788	0	77,404
State	0	0	0	0	0	150	0	2,099	5,000	0
State Police	3,569	0	0	0	0	0	975,615	41,328	0	0
Transportation	1,331,974	0	0	2,875,000	0	0	360,000	0	0	0
Treasury	15,669	0	0	0	0	0	0	120,632	34,511	254
TOTAL:	$6,612,329	$220,396,284	$3,203,699	$8,031,551	$6,757,308	$3,360,209	$6,142,395	$3,777,621	$4,407,200	$1,385,517

Table 3

SETTLEMENTS PAID BY THE STATE
(Actual Dollars)

DEPARTMENT	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
Agriculture	$224,710	$10,000	$0	$133,058	$0	$12,500	$0	$0	$7,500	$12,384
Attorney General	0	0	0	0	0	1,500	297,000	0	0	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	30,000	0	0	0	0	0	0	0	0	0
Community Health	772,000	2,131,565	349,500	127,455	105,000	387,500	1,067,483	14,889	156,000	1,428,000
CIS	6,595	53,928	18,460	19,459	1,500,000	0	0			
Corrections	1,733,812	2,061,992	1,152,239	5,036,350	2,264,988	2,313,208	1,594,894	637,131	2,633,535	820,868
Education	581,488	9,500	21,011	0	0	0	0	12,000	0	4,000
Environmental Quality	98,870	0	0	0	0	0	162,000	737,500	0	1,116,000
Executive	0	0	0	0	0	0	0	0	0	0
History, Arts, & Libraries						1,000	0	0	0	0
Human Services	1,398,784	2,111,766	320,938	106,547	1,520,345	330,740	144,597	331,585	224,861	227,007
Information Technology						0	0	0	0	0
Judiciary	724,000	0	10,000	0	0	0	0	0	0	0
Labor & Econ. Growth								434,500	0	0
Lottery	13,420	13,581	17,565	1,500	0	0	0	0	0	0
Management & Budget	106,000	5,500	75,000	0	0	230,000	0	0	735,000	2,769,000
MI Jobs Commission	156,239	23,681								
MI Strategic Fund			0	0	0	0	0	0	0	0
Military Affairs	220,000	5,000	90,000	0	8,793	0	0	0	0	0
Natural Resources	2,541,005	5,500	1,463,027	16,250,000	147,594	47,177	0	790,492	1,095,146	104,800
State	7,500	1,817	101,460	36,400	1,000	0	0	0	0	504,000
State Police	869,500	868,141	787,057	513,664	875,572	1,424,855	99,624	801,002	264,900	323,702
Transportation	9,748,442	8,383,808	5,074,922	10,171,755	1,396,360	1,897,922	725,324	10,774,291	3,045,406	743,500
Treasury	50,000	11,500	0	107,659	0	180,000	269,000	0	47,500	0
TOTAL:	$19,282,365	$15,697,279	$9,481,179	$32,503,847	$7,819,652	$6,826,402	$4,359,922	$14,533,390	$8,209,848	$8,053,261

PAYMENTS BY DEPARTMENTS

Table 4 summarizes the number of cases and payments by department.

Table 4

FY 2005-06
NUMBER OF CASES AND PAYMENTS BY DEPARTMENT

DEPARTMENT	NUMBER OF CASES	PERCENT OF TOTAL	STATE PAYMENTS	PERCENT OF TOTAL
Community Health	4	5.1	$1,428,000	15.1
Corrections	26	33.3	904,749	9.6
Education	2	2.6	1,163,905	12.3
Environmental Quality	2	2.6	1,180,073	12.5
Management & Budget	3	3.8	2,769,000	29.3
State	1	1.3	504,000	5.3
State Police	9	11.5	323,702	3.4
Transportation	11	14.1	743,500	7.9
Other Departments	20	25.6	421,849	4.5
TOTAL:	78	100.0	$9,438,778	100.0

DEPARTMENT OF COMMUNITY HEALTH

The Department of Community Health made payments in four cases totaling $1,428,000. Two cases had payments of $600,000 each. Lloyd v City of Detroit involved alleged wrongful conviction and imprisonment. The defendants named in that case included a State psychiatrist, a State social worker, and the former Detroit Psychiatric Institute. The other case, Gibson v DCH, et al., involved the wrongful death of a prisoner.

DEPARTMENT OF CORRECTIONS

The Department of Corrections made payments in 26 cases totaling $904,749. Payments ranged from $59 to $365,000. Two cases accounted for 58.3% of the payments made by the Department of Corrections in FY 2005-06. Cook v Caruso, et al. resulted in a $365,000 payment for alleged use of force that aggravated a medical condition. In Johnson v Howard, the State paid $162,500 where the plaintiff prisoner alleged staff assault.

DEPARTMENT OF EDUCATION

The major payment reported by the Department of Education relates 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 their 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, FY 2005-06 is the last year of the phased-out payments. Under the court order, the State is also responsible for a portion of the transportation costs, which continue until there are no more Benton Harbor students attending school in other districts.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality reported two cases with payments totaling $1,180,073. Petroff Enterprises, LLC v Michigan Department of Management and Budget et al. accounted for $1,116,000 of the FY 2005-06 payments. The case involved the early cancellation of the Hollister Building lease. The total payment in that case was $1.5 million. The Department of Management and Budget paid $384,000.

DEPARTMENT OF MANAGEMENT AND BUDGET

The Department of Management and Budget made payments in three cases totaling $2,769,000. The largest payment resulted from the case of Walbridge Aldinger v Department of Management and Budget, et al. The State paid $2,250,000 as a result of cost overruns and delays related to the construction of the Center for Forensic Psychiatry in Washtenaw County. The State has a pending claim against the architect and engineering professional retained to design the facility alleging negligent design and negligent contract administration. Other payments by the Department of Management and Budget included $135,000 for the early cancellation of a warehouse lease, Parish Assets 3, LLC v State of Michigan, and $384,000 in Petroff (above).

DEPARTMENT OF STATE

The Department of State reported one case, Rice v Department of State, with a payment of $504,000 resulting from alleged employee discrimination.

DEPARTMENT OF STATE POLICE

Payments for nine settlements by the Department of State Police totaled $323,702. Payments ranged from $1,500 for a freedom of information case to $230,000 in Heistand v LaBarge, et al., for alleged violation of constitutional rights related to a 1986 murder case in Gaylord, Michigan. The Department of State Police has previously made payments in two other cases related to this 1986 murder trial. Including the amount in FY 2005-06, payments have totaled $1,480,000.

DEPARTMENT OF TRANSPORTATION

Department of Transportation payments in 11 cases totaled $743,500, a decrease of $2,301,906 (75.6%) from the $3,045,406 paid in FY 2004-05. Fiscal year 2005-06 payments ranged from $1,500 in General Casualty v MDOT, for a case involving a roadbed defect, to $330,000 in Beers v MDOT, also involving a roadbed defect.

Nine highway negligence cases accounted for $614,000 of Department of Transportation payments in FY 2005-06, representing the second lowest payout over recent years. From FY 1983-84 through FY 2005-06, the State paid $230.9 million resulting from 1,154 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 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 reduced the State's potential liability. Figure 1 shows highway negligence payments attributed to each fiscal year from FY 1983-84 through FY 2005-06. Figure 2 delineates the declining number of cases resulting in payments.

Figure 1

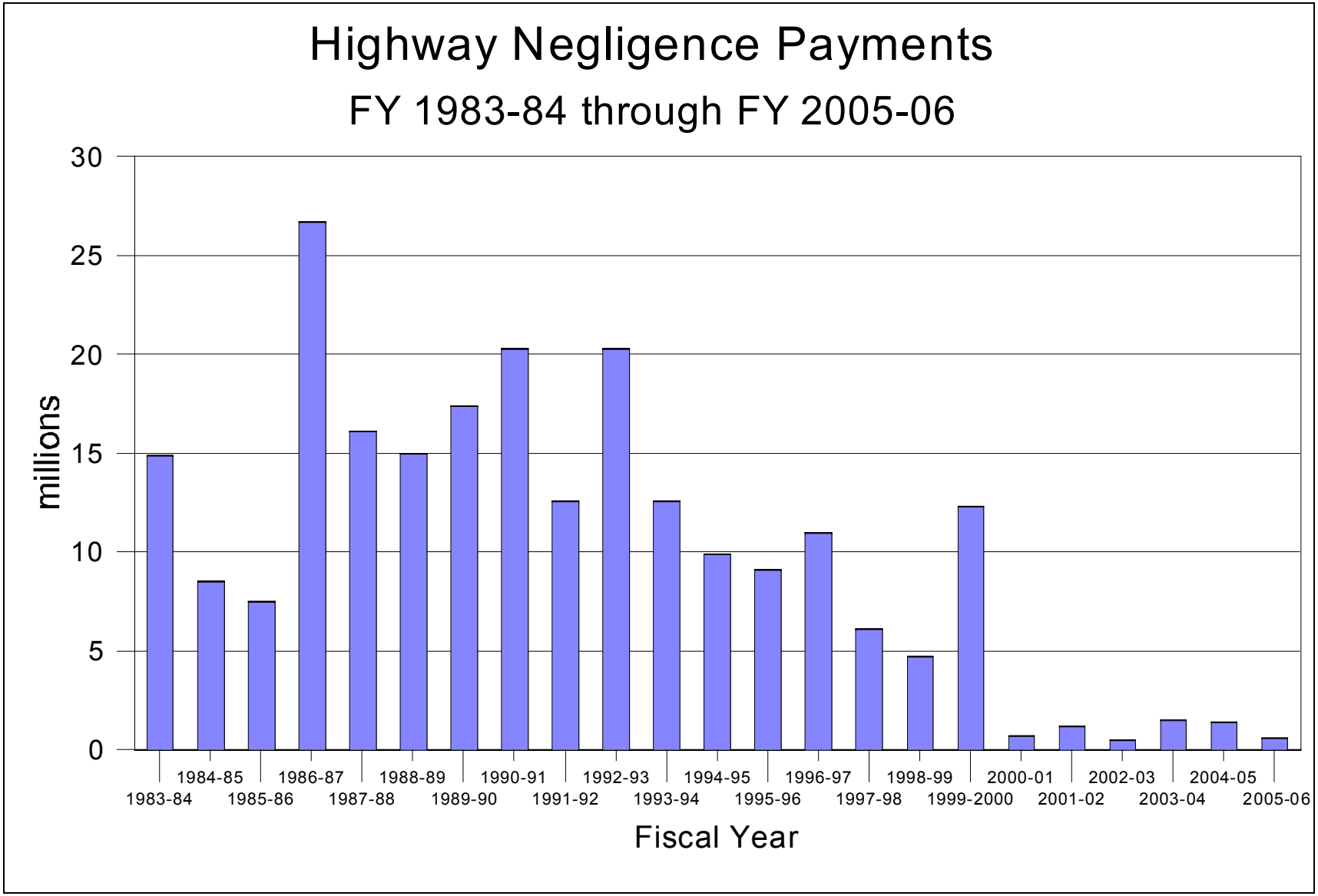
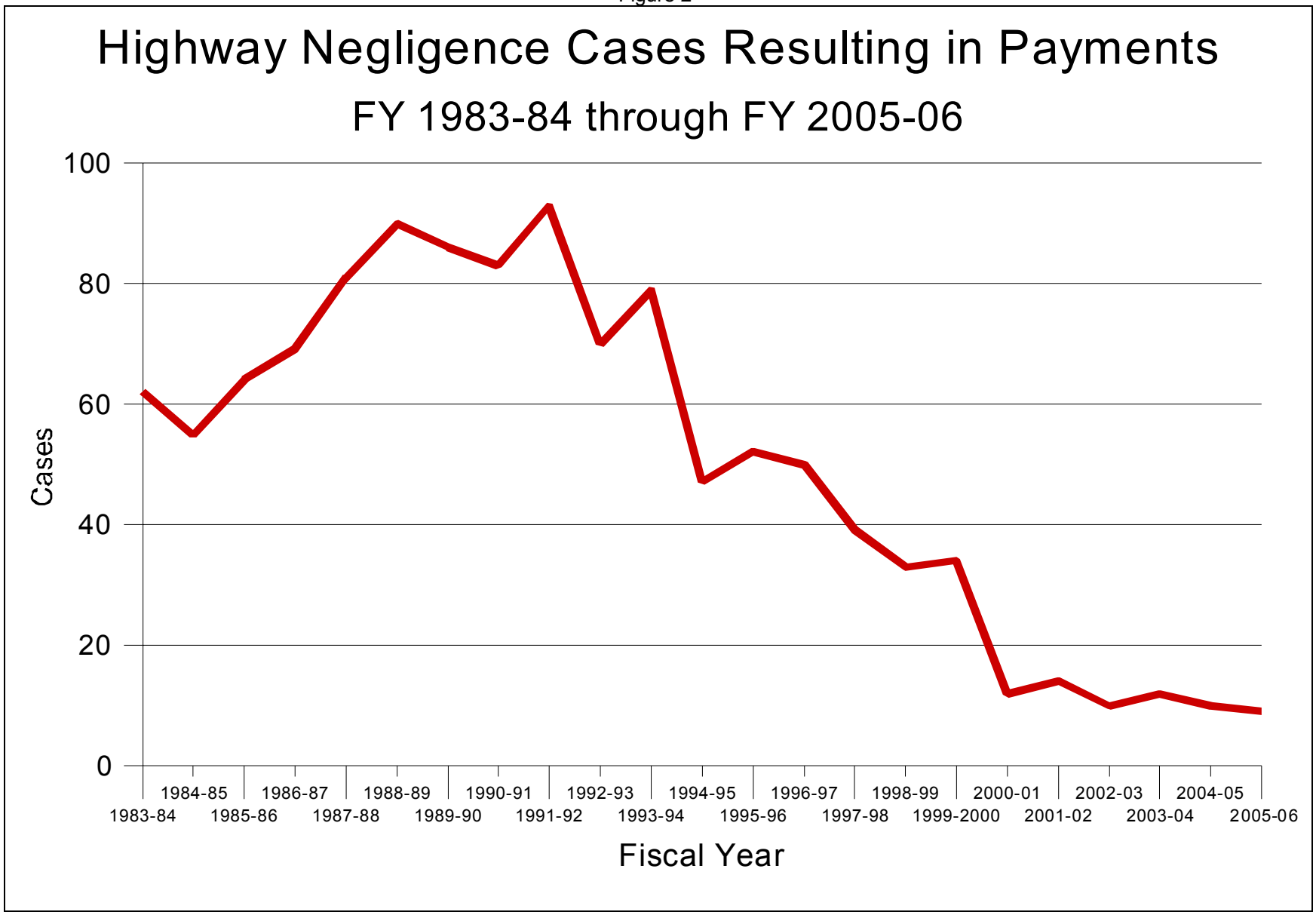

Highway Negligence Payments
FY 1983-84 through FY 2005-06
millions
30
25
20
15
10
5
0
1983-84
1984-85
1985-86
1986-87
1987-88
1988-89
1989-90
1990-91
1991-92
1992-93
1993-94
1994-95
1995-96
1996-97
1997-98
1998-99
1999-2000
2000-01
2001-02
2002-03
2003-04
2004-05
2005-06
Fiscal Year

Figure 2


Highway Negligence Cases Resulting in Payments
FY 1983-84 through FY 2005-06
100
80
60
40
20
0
Cases
1984-85
1986-87
1988-89
1990-91
1992-93
1994-95
1996-97
1998-99
2000-01
2002-03
2004-05
1983-84
1985-86
1987-88
1989-90
1991-92
1993-94
1995-96
1997-98
1999-2000
2001-02
2003-04
2005-06
Fiscal Year

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

PAYMENTS TO THE STATE OF MICHIGAN

The following table provides a summary of FY 2004-05 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 2005-06
Attorney General	$263,136,801
Corrections	1,757,976
Environmental Quality	11,228,019
Transportation	1,510,115
Other Departments	52,002
TOTAL:	$277,684,913

Department of Attorney General

Of the amount reported by the Department of Attorney General, $254,615,832 resulted from annual payments under the Master Tobacco Settlement Agreement.

Corrections

All of the payments listed by the Department of Corrections resulted from cases filed under the Prisoner Reimbursement Act. Payments ranged from $19.65 to $85,400. There were 246 cases, 191 of which included payments of less than $10,000. Seven cases with payments of $53,744 or more accounted for 26.7% of the total amount received by the State.

Environmental Quality

A majority of the 204 payments involved reimbursement for environmental contamination. Five cases accounted for $5.7 million (51.0%) of the payments received by the Department of Environmental Quality in FY 2005-06.

Transportation

Payments to the Michigan Department of Transportation (MDOT) involved 19 cases totaling $1,510,115 for damage to roads and State appurtenances. One case, MDOT v Initial Transport, accounted for $942,043 of the payments to MDOT. The case involved damage to MDOT's cement barrier and overpass on I-75 at I-94.

FISCAL YEAR 2005-06

DEPARTMENT: AGRICULTURE

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Potter, Michael v MDA	$1,358.43	$0	General Fund	Van Buren	Former employee on medical layoff, settlement for COBRA assistance.
Tweddle, Robert v MDA	7,210.00	0	Emerald Ash Borer	St. Clair	Settlement for site restoration.
Doll, Catherine v MDA	482.88	0	Emerald Ash Borer	Berrien	Settlement for site restoration.
Hudson, Pierre v MDA	2,002.44	0	Emerald Ash Borer	Cheboygan	Settlement for site restoration.
Endeavor Hardwoods, Inc. v MDA	830.00	0	Emerald Ash Borer	Mackinac	Settlement for incorrectly blocking wood delivery.
Zupin, Michael v MDA	500.00	0	General Fund	Kent	Co-pay employee insurance deductible for car accident.
FY 2005-06 TOTAL:	**$12,383.75**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: COMMUNITY HEALTH

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Spielman, Carol v DCH	$178,000.00	$0	General Fund	Washtenaw	Employee on stress leave alleged that she could not return to her position due to safety issues within the prison.
Devoll, Wilma J. v Meadows, et al.	50,000.00	0	General Fund	Wayne	Medical malpractice claims against the Walter Reuther Psychiatric Hospital.
Lloyd, Eddie Joe v City of Detroit, et al.*	600,000.00	0	General Fund	Wayne	Former Detroit Psychiatric Institute prisoner was wrongfully sentenced for a crime that he did not commit.
Gibson, Antoinnette v DCH, et al.**	600,000.00	0	General Fund	Washtenaw	Wrongful death of prisoner. This amount reflects the DCH portion of the settlement.
FY 2005-06 TOTAL:	**$1,428,000.00**	**$0**			

* The total settlement awarded in this matter was $600,000 to be divided between the Department of Community Health (DCH) and the Department of Corrections (DOC). The DCH disbursed a check for the total amount.

**The total settlement awarded in this matter was $600,000 to be divided between the DCH and the DOC. The DCH disbursed a check for the total amount. This settlement was paid out of the FY 2004-05 budget after the FY 2004-05 Senate Fiscal Agency report was submitted. The settlement is included in the FY 2005-06 report for record-keeping purposes.

FISCAL YEAR 2005-06

DEPARTMENT: CORRECTIONS

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Bisgeier, Robert v MDOC	$150.00	$0	State General Fund	Jackson	Costs - petition for review of major misconduct hearing decision.
Jordan-El, Simone T. v MDOC	253.51	0	State General Fund	Gratiot	Costs - petition for review of major misconduct hearing decision.
Johnson, Fingal E. & Jenkins, Michael v Bill Martin, et al.	76,471.21	458.90	State General Fund	Jackson	Religion - prisoners contested withdrawal of recognition of their religion (Melanic/Islamic Palace of the Rising Sun) for group worship, classification as a Security Threat Group, and confiscation/rejection of their literature. Class Action.
King, Kevin v Steven Gowdy	6,240.00	0	State General Fund	Lenawee	Harassment - prisoner claimed various acts of retaliation by staff.
King, Kevin v Chuck Zamiara, et al.	59.00	0	State General Fund	Muskegon	Costs - reimbursement of costs previously paid to defendant due to Sixth Circuit remand.
Mallory-Bay, Donald v MDOC, et al.	150.00	0	State General Fund	Manistee	Legal Mail - payment to court for balance due on filing fees. Plaintiff objected to legal mail being opened outside his presence.
Marsh v Granholm, et al.	137.50	0	State General Fund	Gratiot	Legal Photocopying Order - Department ordered to pay for legal photocopying.
Nasser, Ali v MDOC	170.00	0	State General Fund	Wayne	Costs - petition for review of major misconduct.
Salaam, Rahim v Kenneth McGee	100.00	0	State General Fund	Alger	Sanction - violation of Fed R Civ P 37(a).
Spruytte, Floyd v MDOC	150.00	0	State General Fund	Lapeer	Costs - petition of review of major misconduct.
FY 2005-06 TOTAL:	**$83,881.22**	**$458.90**			

FISCAL YEAR 2005-06

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Ashford, John v Mary Hocking, et al.	$227.00	$0	State General Fund	Arenac	Property - typewriter was not packed for transfer and no hearing was provided. Prisoner had to purchase new typewriter.
Burnett, Michael v MDOC, et al.	150.00	0	State General Fund	Alger	Medical - allegations of inadequate care for GERD.
Cook, Craig v Caruso, et al.	365,000.00	0	State General Fund	Washtenaw	Use of Force - plaintiff was placed in restraint chair, which plaintiff alleged aggravated a medical condition.
Johnson, Richard v Eric Howard	162,500.00	0	State General Fund	Ionia	Use of Force - prisoner claimed staff assault.
Kemp, Charles, et al. v Harold White, et al.	35,000.00	0	State General Fund	Jackson	Use of Force - prisoner claimed staff assault.
LaCross, Tammy, et al. v Nancy Zang, et al.	5,576.26	0	State General Fund	Washtenaw	Reimbursement for attorney fees upon grant of appeal for denial of DOAG representation.
LaFountain, Wayne v Bill Martin, et al.	4,300.00	0	State General Fund	Jackson	Conditions of Confinement - Environmental Tobacco Smoke (ETS).
McMillian, Stacey v MDOC	2,450.00	0	State General Fund	Jackson	Time Computation - miscalculation caused delay in release on maximum date.
Otis, Denise v MDOC	9,200.00	0	State General Fund	Kent	Employee Other - claimed denial of accommodation.
Percival, Leon v David Rowley and John Kelley, et al.	8,500.00	0	State General Fund	Ionia	Harassment - claimed staff intentionally gave his personal mail to another prisoner.
Provost, et al. v MDOC, et al.	30,000.00	0	State General Fund	Washtenaw	Employee Other - sexual harassment, hostile work environment.
Schultz, James T. v Steve Probst, et al.	50,000.00	0	State General Fund	Jackson	Medical - prisoner suicide.

FISCAL YEAR 2005-06

DEPARTMENT: CORRECTIONS

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Siggers-El, Darrell v David Barlow	50,000.00	0	State General Fund	Wayne	Transfer - prisoner claimed transfer was in retaliation for grievance.
Tanney, Gene v Nick Ludwick, et al.	2,000.00	0	State General Fund	Jackson	Medical - ADA (access to TTY phone).
U.S. Department of Education	78,965.00	0	State General Fund	Ingham	Miscellaneous - reimbursement to U.S. Department of Education for grants to States for Incarcerated Youth Offenders Program.
Williams, Reggie v Doug Wells	17,000.00	0	State General Fund	Lenawee	Failure to Protect - prisoner claimed request for protection was ignored.
FY 2005-06 TOTAL:	**$820,868.26**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: EDUCATION

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Barbara Jean Barry, et al. v School District of City of Benton Harbor, et al.	$1,159,905.15	$0	State School Aid Fund	Berrien	School Desegregation.
FY 2005-06 TOTAL:	**$1,159,905.15**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: EDUCATION

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Ford v DOE	$4,000	$0	General Fund	Ingham	Contract action for canceling grant.
FY 2005-06 TOTAL:	$4,000	$0			

FISCAL YEAR 2005-06

DEPARTMENT: ENVIRONMENTAL QUALITY

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Waad F. SEBA	$64,073.00	$0	Restricted	Oakland	Court granted attorney fees to Plaintiff as a sanction for failing to provide documents in discovery.
FY 2005-06 TOTAL:	**$64,073.00**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: ENVIRONMENTAL QUALITY

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Petroff Enterprises, LLC	$1,116,000.00	$0	General Fund - $304,000 Restricted - $812,000	Ingham	This case involved a breach of contract issue regarding the cancellation of a lease agreement. Total settlement paid was $1.5 million - majority of cost paid by DEQ, the balance ($384,000) was paid by DMB.
FY 2005-06 TOTAL:	**$1,116,000.00**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: HUMAN SERVICES

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Dimitroff, Boris v FIA	$15,556.80	$0	General Fund	Ingham	Freedom of Information Act.
Dimitroff, Boris v FIA	90,000.00	0	General Fund	Ingham	Position abolishment.
Valdex, Maria v FIA	9,950.00	0	General Fund	Ingham	Employment discrimination.
Boone, Amy v FIA	20,000.00	0	General Fund	Monroe	Racial harassment.
Sheldon, Randi v FIA	90,000.00	0	General Fund	Monroe	Racial harassment.
In the Matter of Alyssa Kennedy	1,500.00	0	General Fund	Oakland	Attorney Fees
FY 2005-06 TOTAL:	**$227,006.80**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: MANAGEMENT & BUDGET

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Petroff Enterprises, LLC v DMB, et al.	$384,000	$0	General Fund	Ingham	Settlement due to early cancellation of office building lease.
Parish Assets 3, LLC v State of Michigan	135,000	0	General Fund	Ingham	Settlement due to early cancellation of warehouse lease.
Walbridge Aldinger v DMB, et al.	2,250,000	0	SBA Bonds	Washtenaw	Cost overruns and delays related to construction of the Center for Forensic Psychiatry.
FY 2005-06 TOTAL:	**$2,769,000.00**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: NATURAL RESOURCES

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
McCulloch, Oakland County Drain Commissioner v DNR	$18,337.43	$0	Michigan State Waterways Fund	Oakland	Lake level assessment owed for 2001, 2002, 2003, and 2004.
Zilke, et al. v DNR	59,066.83	0	General Fund	Various Counties	Lake level assessments.
FY 2005-06 TOTAL:	**$77,404.26**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: NATURAL RESOURCES

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
4 Ward 4 Detroit Properties, LLC v DNR	$5,231.51	$5,231.51	General Fund	Wayne	Refund for erroneous Tax Reverted Property sale.
Wright, Christopher John v DNR	6,128.64	878.64	General Fund	Genesee	Refund for erroneous Tax Reverted Property sale.
Nichols, Carl Louis v DNR	9,020.88	3,393.38	General Fund	Mecosta	Refund for erroneous Tax Reverted Property sale.
Kassab, Manuel D v DNR	81,419.45	22,914.45	General Fund	Wayne	Refund for erroneous Tax Reverted Property sale.
Bone Yard Hunt Club v Catalano Forest Products and Thomas Catalano v DNR	3,000.00	0	Forest Development Fund	Presque Isle	The Department sold timber on a State timber sale in Presque Isle County to Catalano Forest Products which included a small area in trespass on the Bone Yard Hunt Club Property. The timber was cut and the trespass was confirmed by survey.
FY 2005-06 TOTAL:	**$104,800.48**	**$32,417.98**			

FISCAL YEAR 2005-06

DEPARTMENT: STATE

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Rice, Nancy, et al. v Department of State	$504,000.00	$0	State Restricted	Oakland	Settlement of alleged employee discrimination case.
FY 2005-06 TOTAL:	**$504,000.00**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: STATE POLICE

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Zimmerman v McElmurray, et al.	$1,500.00	$0	General Fund	Ingham	Freedom of Information case.
Crane et al. v Garrett, et al.	10,000.00	0	General Fund	Calhoun	Search warrant case.
Borum v Stone	15,000.00	0	General Fund	Genesee	Excessive force case.
Jacklin v Scott, et al.	7,500.00	0	General Fund	Saginaw	Assault and battery case.
Hanner v Black, et al.	40,000.00	0	General Fund	Jackson	Excessive force case.
Heistand v LaBarge, et al.	230,000.00	0	General Fund	Otsego	Constitutional rights violation case.
Davis v Ybarra	15,000.00	0	General Fund	Calhoun	Excessive force case.
MSPTA, et al. v MSP	1,702.00	0	General Fund	Ingham	Freedom of Information case.
Williams & Sarata v Caldwell, et al.	3,000.00	0	General Fund	Jackson	Assault and battery case.
FY 2005-06 TOTAL:	**$323,702.00**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: TRANSPORTATION - HIGHWAY NEGLIGENCE CASES

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Beers V MDOT	$330,000.00	$0	State Trunkline Fund	Huron	Roadbed defect.
Ferrante v MDOT	45,000.00	0	State Trunkline Fund	Wayne	Roadbed defect.
General Casualty v MDOT	1,500.00	0	State Trunkline Fund	Muskegon	Roadbed defect.
Hall v MDOT	5,000.00	0	State Trunkline Fund	Wayne	Roadbed defect.
Martin v MDOT	175,000.00	0	State Trunkline Fund	Wayne	Roadbed defect.
Parinello v MDOT	27,500.00	0	State Trunkline Fund	St. Clair	Roadbed defect.
Praedel v MDOT	19,500.00	0	State Trunkline Fund	Wayne	Roadbed defect.
Sharp v MDOT	2,500.00	0	State Trunkline Fund	Wayne	Roadbed defect.
Sweetland v MDOT	8,000.00	0	State Trunkline Fund	Barry	Roadbed defect.
FY 2005-06 TOTAL:	**$614,000.00**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: TRANSPORTATION - OTHER CASES

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
J. Ranck Electric, Inc. v MDOT	$30,000.00	$0	State Trunkline Fund	Mackinac	Breach of contract.
Sunset Excavating v MDOT	99,500.00	0	State Trunkline Fund	Oakland	Breach of contract.
FY 2005-06 TOTAL:	**$129,500.00**	**$0**			

FISCAL YEAR 2005-06

DEPARTMENT: TREASURY

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Kolendar, Nathan v Department of Treasury	$253.50	$0	Delinquent Tax Collection Revenue	Ingham	Tax Tribunal awarded Kolendar for costs in attempting to stop collection activities after the date appeal was filed.
FY 2005-06 TOTAL:	**$253.50**	**$0**			

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