

# **Bond Case Briefs**

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## **IMMUNITY - MICHIGAN**

### **Champine v. Department of Transportation**

**Supreme Court of Michigan - July 6, 2022 - N.W.2d - 2022 WL 2525392**

Motorist brought action against state department of transportation alleging negligence and asserting the “highway exception” to the governmental tort liability act (GTLA), arising from injuries motorist allegedly sustained when a chunk of concrete from road struck his vehicle.

The Court of Claims granted department’s motion for summary judgment, which was affirmed on appeal. Motorist appealed.

The Supreme Court held that motorist’s complaint served as “notice” under the GTLA.

Motorist’s complaint against state department of transportation served as “notice” of the occurrence of the injury and the defect, as required for application of the highway exception to governmental immunity under the governmental tort liability act (GTLA) in order to allow motorist to bring negligence claim, arising from injuries motorist allegedly sustained when a chunk of concrete from road struck his vehicle; complaint was brought within 120 days of the occurrence as specified by the GTLA, and text of GTLA did not indicate that there needed to be some temporal gap between the filing of a notice and the initiation of a lawsuit.

Nothing in the text pertaining to the notice requirements in order to assert an exception under the governmental tort liability act (GTLA) suggests that notice cannot be provided through the filing of a plaintiff’s complaint within the statutory notice period.

A complaint filed within the statutory notice period, listing the factual circumstances and legal theories relevant to the cause of action, gives sufficient warning or legal notification of the occurrence of the injury and the defect, in order to meet the notice requirement in order to assert an exception under the governmental tort liability act (GTLA).