

Bond Case Briefs

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ZeZula v. Brown

Supreme Court of Michigan - June 16, 2026 - N.W.3d - 2026 WL 1740330

Homeowner brought action against neighbor, excavating company, and township for damages from sewage overflow in homeowner's basement, alleging that township violated the MISS DIG Underground Facility Damage and Safety Act (MISS DIG) by failing to mark facilities prior to company's excavation.

The Circuit Court denied township's motion for summary disposition claiming governmental immunity and failure to state a claim. Township appealed, and the Court of Appeals affirmed. The Supreme Court granted leave to appeal.

The Supreme Court held that:

- Governmental tort liability act's exception to immunity for liability of a governmental agency under the MISS DIG Act was limited to a complaint filed with the Public Service Commission, and
- Trial court's grant of homeowner's oral motion for leave to amend complaint to plead sewage disposal system event exception to governmental immunity was premature.