

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. 23- 000139 -MM Judge James Robert Redford
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Court address

925 W. Ottawa, Lansing, MI 48909

Court telephone no.

517-373-0807

Plaintiff's name, address, and telephone no.
 Steve St. Juliana, personal representative
 of the estate of Hana St. Juliana, deceased

v

Defendant's name, address, and telephone no.
 State of Michigan
 430 W. Allegan St. - 4th Floor
 Lansing, MI 48918

Plaintiff's attorney, bar no., address, and telephone no.
 Michael L. Pitt P24429
 Pitt, McGehee, Palmer, Bonanni & Rivers, PC
 117 West Fourth Street, Suite 200
 Royal Oak, MI 48067
 (248) 398-9800 - mpitt@pittlawpc.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☒ Eastern District of Michigan Court, where

it was given case number 22-10805 and assigned to Judge Mark A. Goldsmith

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date October 3, 2023	Expiration date* January 2, 2024	Court clerk <i>Jerome W. Zimmer Jr.</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.



PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

- ☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:
- ☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

- ☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.
- ☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____ Date and time _____

Signature _____ on behalf of _____

Name (type or print) _____

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Defendant's name, address, and telephone no.
 Michigan State Police
 7150 Harris Drive
 Dimondale, Michigan 48821

Plaintiff's attorney, bar no., address, and telephone no.
 Michael L. Pitt P24429
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Name	Date and time of service
Place or address of service	
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☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

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Attachments (if any) _____ on _____ Date and time _____

Signature _____ on behalf of _____

Name (type or print) _____

**STATE OF MICHIGAN
COURT OF CLAIMS**

Steve St. Juliana, personal representative
of the estate of Hana St. Juliana, deceased,

Plaintiff,

v.

Michigan State Police and State of Michigan,

Defendants.

Case No. 23- 000139 -MM

Hon. James Robert Redford

Michael L. Pitt (P24429)
Megan A. Bonanni (P52079)
Beth M. Rivers (P33614)
Kevin M. Carlson (P66704)
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VERIFIED COMPLAINT FOR MONEY DAMAGES

SUMMARY OF CLAIM

This claim for money damages against the State of Michigan (“SOM”) and the Michigan State Police (“MSP”) arises out of the Oxford High School (“OHS”) shooting incident on November 30, 2021. The decedent, Hana St. Juliana, a student at OHS, was killed at school that day by bullets from a firearm brought to school by a fellow student. The SOM and MSP had a statutory and constitutional duty to protect Hana St. Juliana and her fellow students from a foreseeable risk of death or injury caused by violence occurring at school. The SOM and MSP

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were deliberately indifferent to the risk of injury or death facing Hana St. Juliana and her fellow students and, in an unconscionable dereliction of duty, failed to protect her from known and foreseeable risks caused by violence occurring at her school. This “conscience shocking” behavior of the SOM and MSP violated Hana St. Juliana’s rights under article 1, §17 of the Michigan Constitution because they deprived her of life without due process of law.

STATEMENT OF FACTS

The Student Safety Act

1. In December 2013, the Michigan Student Safety Act (PA 183) was signed into law. This Act mandated the creation of the 24/7 OK2SAY program (“Program”) that would allow members of the public to confidentially report potential self-harm or harm or criminal acts directed at students, school employees, or schools. Primary responsibility for the development and implementation of the Program was assigned to the Department of Attorney General.

2. On October 1, 2020, OK2SAY’s administration and promotional functions moved from the Department of Attorney General (AG) to the Michigan State Police (MSP) Office of School Safety, Grants and Community Services Division. The operational side of the Program tipline remains with the MSP, Intelligence Operations Division.

3. The Student Safety Act (“SSA”), MCL 752.913(1) required the MSP to “establish a program for receiving reports and other information from the public regarding potential self-harm and potential harm or criminal acts...directed at students, school employees, or schools in [the State of Michigan].”

4. The “program” described in the SSA “must include a hotline for receiving reports and information...[and] must be available 24 hours a day, 365 days a year.” MCL 752.913(2).

5. The SSA provides that “[b]eginning on the date the hotline established under this act is operational, all calls received by any existing state-run school violence hotline in operation before the establishment of this act must be directed to the hotline established under this act. Any existing state-run school violence hotline in operation before December 13, 2013, must be disconnected within 6 months after the hotline established under this act is operational.” MCL 752.913(3).

6. The SSA further provides that “the [MSP] is responsible for the continued operational and administrative oversight of the program. The program must provide for a means to review all information submitted through the hotline and to direct those reports and that information, including any analysis of the potential threat as determined appropriate by the [MSP] to local law enforcement officials and school officials. The program must include a means by which responses at the local level are determined and evaluated for effectiveness. The [MSP] shall ensure appropriate training is provided to program personnel in all the following areas: (a) Crisis management, including recognizing mental illness and emotional disturbance; (b) The resources that are available in the community for providing mental health treatment and other human services; (c) Other matters determined by the [MSP] to be relevant to the administration and operation of the program.” MCL 752.913(4).

7. The SSA requires the MSP to evaluate the “potential threat” of each report and to determine and evaluate for effectiveness the response to each report by local law enforcement and school officials.

8. The SSA created the following mandatory duties on the MSP which are relevant to this claim:

- a. MSP must ensure that all reports from all schools are directed to the MSP hotline program, must ensure that the hotline program remain operational as all times, and must provide oversight over the program.
- b. The MSP must review all reports and information submitted through the hotline to determine if the report represents a potential threat.
- c. The MSP must direct the information and its risk assessment to appropriate local law enforcement and the affected school officials.
- d. The MSP must ensure appropriate training is provided to program personnel.
- e. The MSP must determine and evaluate the responses of local law enforcement and school officials to ensure that the responses are effective in dealing with any report and the risks the MSP has identified.

9. According to recent publications by the MSP, the Program employs technicians who are on the frontline preventing school violence and tragedy. The Technicians are trained and encouraged to proactively intervene when they become aware of potential threats to student or school safety. To that end, Program technicians utilize multiple systems and technologies to communicate with those who submit a tip. Technicians do everything possible to intervene to prevent incidents of school violence or self-harm and to ensure that information provided to OK2SAY is disseminated to the appropriate agencies, whether it is schools, law enforcement, community mental health, or child protective services.

10. According to the OK2SAY 2017 Annual Report, “technicians operate within a five-person unit comprised of men and women who hold a variety of bachelor’s and master’s degrees. In addition to formal education, all team members undergo a series of trainings that include social media searching, suicide intervention, and youth-mental health first aid. The mission is to ensure that action and intervention can take place regardless of the issue.”

11. The entities who receive the Tips from the Program are required to file Outcome Reports. The Table below reflects the annual statistics for Tips, Outcome Reports, and an

evaluation of Tip recipient responsiveness. These statistics demonstrate that the MSP has been derelict in its duty to require compliance with the SSA. MCL 752.913(4) (“The program must include a means by which responses at the local level are determined and evaluated for effectiveness.”).

Year	Annual Outcome Reports	Annual Tips	Percentage of Tips which Generate an Outcome Report
2015	792	2,169	36.50%
2016	866	3,359	25.75%
2017	1,673	4,605	36.33%
2018	2,394	6,473	37.00%
2019	1,824	5,742	31.75%
2020	785	3,743	21.00%
2021	885	6,225	14.21%

12. The OK2SAY 2021 Annual Report also shows a dramatic increase in reports of a “planned school attack,” escalating from September (10 reports) to October (38) and November (32), culminating in a spike of reports in December (1,686) after the November 30th incident.

Planned school attack	1	3	3	6	3	3	0	1	10	38	32	1,686	1,786
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13. In 2019, because of Program risk assessment and intervention, school operations were impacted 14 times, including school cancellations, lockdowns and early dismissals. Fifty Tips resulted in the confiscation of weapons.

14. In 2021, because of Program risk assessment and intervention, school operations were impacted 39 times. This included one school cancellation and one evacuation. Thirty-four Tips involved the confiscation of weapons.

15. The Annual Reports detail examples of proactive risk assessment and intervention by OK2SAY Technicians leading to positive outcomes. These examples include:

- a. In 2017, a Technician received a screenshot of a social media conversation where a student threatened to kill himself with his uncle's gun. The Technician did a risk assessment and intervened by locating the whereabouts of the student and arranged for law enforcement to go to his home.
- b. In 2017, a Technician received a Tip about a student who posted on social media a photo of a pistol. The Technician gathered photographs of the pistol and emailed the photos to law enforcement who investigated and made an arrest.
- c. In 2017, a Technician received a Tip that a student planned to commit suicide at school. The Technician assessed the threat as real and imminent and contacted the school principal and resources officer. This intervention led to a retrieval of a weapon and the student was prevented from carrying out the suicide.
- d. In 2018, a Technician received a Tip that a student threatened to bring a gun to school. The Technician did a risk assessment and forwarded the information and screenshot of the threat to local law enforcement and school officials. The Technician arranged to have law enforcement visit the student's home within 30 minutes of receiving the threat.
- e. In 2018, a Technician received a report of a possible student suicide in the woods. The Technician dispatched a Michigan State Police Trooper with a tracking dog to locate and rescue the student before harm could occur.
- f. In 2018, a Technician received a Tip from a student reporting bullying. The Technician intervened and through a comprehensive interview determined that the student was a victim of sexual misconduct.
- g. In 2019, a 14-year-old student who was suicidal in the past posted on social media message stating that she was relapsing and cutting herself with razors. The Technician took screen shots of the message and send them to local law enforcement. A law enforcement officer contacted the student and she was taken to the hospital.
- h. In 2019, a student was holding an assault weapon in a posted social media video and bragging about shooting up his school. The Program Technician performed a risk assessment and contacted school administrators and local law enforcement. Guns were removed from the student's home as a result of the Technician's intervention.
- i. In 2020, a Technician became aware that a student was making homicidal and suicidal threats. The Technician conducted a risk assessment and intervened by

triggering a school multi-disciplinary assessment team to meet with the student and parents.

- j. In 2020, a Technician learned that a student said he was going bring a gun to school to injure his ex-girlfriend. The Technician who received the Tip did a risk assessment and arranged for law enforcement to intervene. The student's parents agreed to remove guns from their home.
- k. In 2021, a student made threats about killing another student. The Technician performed a risk assessment and arranged for the student to be interviewed by a school administrator and school resources officer.

16. The MSP had a policy and practice of requiring its Program Technicians to perform meaningful risk assessments of Tips as they are received and to aggressively intervene to prevent harm or injury to students, school staff and the public.

Escalating School Violence Incidents at Oxford High School Immediately Preceding November 30th Shooting

17. Prior to Thursday November 4, 2021, 12th Grade OHS student CV, individually or with others, applied red acrylic paint to the ground level exterior of the school and to windows at the top of the school building. CV threw a severed deer head from the roof of the school building into an enclosed interior courtyard. The spray-painted graffiti was disturbing: CV referred to OHS Principal Steve Wolf by spray painting "where wolf," "why worms," and a five point pentagram with a dollar sign.

18. The graffiti and deer head were discovered by OHS administrators on November 4, 2021. OHS Principal Steve Wolf responded to this incident by notifying the Oakland County Sherriff's Department. Principal Wolf informed students and parents on November 4, 2021 of the incident and assured students, staff and parents that there was "no present threat at Oxford High School."

19. The events of November 4, 2021 triggered an uptick in social media activity concerning OHS.

20. On November 5, 2021, Pamela Fine, OHS Family School Liaison, received an email from JH, who stated:

“I am a sophomore at Oxford High School and I wanted to let you know about a few concerning Instagram posts I saw this morning regarding the incidents yesterday. Below I attached 4 screenshots of the instagram account of another student (CV). He posted a photo of an email received from the school marked up with notes and a long aggressive caption. He also posted another video of a band preparing to play a song along the caption about being taken by police and expressing anger. The last thing which concerned me was that he posted on his instagram story, which was the original photo of the letter (marked up) posted multiple times with the song ‘suicidal tendencies.’ While this isn’t a direct threat to himself I worry it could be a sign he might hurt himself and I thought it was important that you knew.”

21. The Oxford Police Department entered the home of CV on or about November 4, 2021 or November 5, 2021. They seized evidence from the home and arranged for CV to be removed from his home by ambulance for a mental health assessment.

22. On November 9, 2021, at 10:52 PM, Kristy Gibson-Marshall, Assistant Principal at OHS, Kurt Nuss, Assistant Principal at OHS, and Principal Steve Wolf received an email entitled “Important Safety Notice” from a 12th Grade student who stated:

Hi, I am [Student RW] and I’m a senior. After the events of [November 4, 2021], there has been activity on social media by the person suspected of the actions. My brother informed me that people have discovered that this persons Instagram username is apparently some sort of code for November 10th, and he posted something regarding a specific time of 10:05. The photo is something he drew, and it concerns me that it might be a threat. I understand that this is just talk, but I would rather be safe than sorry. I am really sorry to email this late but I am very nervous and wanted to be sure our school is safe. Here are the images that have been talked about.”

23. On November 10, 2021, at 7:22 AM, Assistant Principal Nuss responded to the “Important Safety Notice” email stating, “Thank you for the email. We appreciate your

willingness to share the information and your concerns with us. We are aware and we are taking all necessary actions and precautions to ensure all is safe for staff and students today.”

24. On November 11, 2021, the student (John Doe) who killed Hana St. Juliana brought a severed bird’s head in a jar into school. Students circulated photos of the bird’s head and believed that the bird’s head was related to CV’s threats to the school. Students reported the bird’s head to Principal Wolf and John Doe was identified as the student most likely responsible for bringing in the severed bird’s head.

25. On November 11, 2021, Principal Wolf received an email from a concerned parent which stated:

“I am sure you are aware of all the social media regarding the High School from the deer head, graffiti, pentagrams, the bird in the jar and the threat of someone doing harm in the school on Friday. I heard this on TikTok and instagram for the threat. This is starting to have concerns increase on the safety of the children in the school. It is making me question on sending my son to school Can you please let us know how the safety of the children is being addressed. Thank you.”

26. In response to this email, Principal Wolf wrote back to the concerned parent on November 12, 2021: “I sent out a communication yesterday to all OHS parents. We have investigated every social media post and rumor that we receive. The rumors have become so far from anything factual, but I understand.”

27. On November 11, 2021, OHS Administration wrote to certain OHS parent(s) and guardian(s), stating:

“We are aware of the numerous rumors that have been circulating throughout our building this week. We understand that has created some concern for students and parents. Please know that we have reviewed every concern shared with us and investigated all information provided. Some rumors have evolved from an incident last week, while others do not appear to have any connection. Student interpretations of social media posts and false information

have exacerbated the overall concern. *We want our parents and students to know there has been no threat to our building nor our students.* The safety and security of our students and staff is always our top priority. To accomplish this task, OHS has numerous highly-trained professionals who work to keep our building safe and secure. We have counselors and social workers who work with students on a daily basis. We also have two highly-trained security guards and an Oakland County Resource Officer on site who assist us as well. Please contact us if you are aware of a specific threat or concern that you have heard directly. Sincerely, OHS Administration.” (emphasis supplied).

28. The following day, on November 12, 2021, the OHS administration resent the November 11, 2021 email to parents and students.

29. On November 16, 2021, at 3:26 PM, Principal Wolf, Assistant Principal Nuss and OHS Guidance Counselor Ashley Finkley received this communication from another concerned parent.

“Good Afternoon: [Student L] informed me he is not going anyplace near the school Friday. He said he will drive himself to Otech and straight home but he is not going to school. He’s actually scared and feeling very anxious about this Instagram shooting count down, threat, rumor, whatever it is. I know an email was sent last week about it, I know it's been investigated but my kid doesn't feel safe at school. He didn't even want to go back to school today. I have all kinds of mom feelings about this whole situation. Obviously, the issue has been addressed with the police, he should be safe. But he clearly has mental distress over this and forcing him to go could and probably will make that worse. I talked to his therapist, dad and my mom, they all say to let him miss school. Also I know my kid well, something else is going on that is making him not want to be there. He is not gonna tell until he is either in a panic and has a complete 2motional [sic] melt down about it or he feels it’s safe to tell me cause he doesn't have to deal with the situation again. My gut is something or someone has made or Is continuing to make him feel uncomfortable at school (rumor aside).”

30. Principal Wolf responded to the concerned parent on November 16, 2021 at 4:32 PM by stating:

“I’m sorry to hear [student L] is still feeling scared and anxious. I know I’m being redundant here, but there is absolutely no threat at the HS. Large assumptions were made from a few social media posts, then the assumptions

evolved into exaggerated rumors. This continued for several days last week. I have kids of my own, so I understand that when a student has an idea of something, it can be very difficult to change their perspective. I understand the decision of [Student L] to remain home. Please let us know if you need any assistance with gathering any class work that he might miss. Steve Wolf”

31. On November 17, 2021, OHS website received a communication from another concerned OHS parent:

“My daughter is scared to attend class on Friday because some other families in the school have told her that the kid who vandalized with the deer head, is coming back to school on Friday and is in her class. I guess he said he is doing something on Friday. I have not heard anything, but she is very scared to attend and her friends already say they will be staying home. I do believe the school is a safe place to be. I am wondering if you had information on this rumor?”

32. On November 17, 2021, the MSP received Tip 38664319 labeled “Planned School Attack” (“Tip”).

33. The November 17th Tip was reported out by MSP Departmental Technician, Kelcie Bower, who was employed by the Michigan Intelligence Operations Center, OK2SAY Unit. Ms. Bower’s report stated:

“[CV] (17yo 12th gr) made a post on Instagram today of a countdown clock to Friday November 19th. People believe [CV] is going to do something to harm people because he has made threats in the past to the principal and is currently on suspension. Recently, [CV] put a decapitated deer’s head in the school’s courtyard and in the past has put decapitated bird’s heads in jars, as well as painted pentagrams on school windows and on the sidewalks in the courtyards/around school property (**SEE ATTACHMENTS**). On November 9th [CV] posted a macabre drawing of people with Hebrew Stars of David on their chests looming above him (**SEE ATTACHMENT**). [CV] may be having other students at school who he is friends with do things for him to intentionally upset other people/make others fear for their safety. [CV] and his friends are into occultism/devil worship. Tip referred to Oakland Co CD (248-858-4911) Dispatcher 2590 at 20:49. Right now it is not known whether the investigation, if any, will be handled by either City of Oxford PD or Village of Oxford PD. Thanks,

Kelcie Bower,

OK2SAYTipline,
Michigan Intelligence Operations Center, Michigan State Police, 855-
XXX-2729,
Text Tips to OK2SAY (65-2729),
www.ok2say.com

34. CV and John Doe were friends who were in regular contact.

35. The Tip received by the MSP on November 17, 2021 was sent to OHS Assistant Principal Kurt Nuss on November 18, 2021.

36. Assistant Principal Nuss forwarded the Tip to Oakland County Deputy Sheriff Jason Louwaert. Deputy Sheriff Louwaert, who is assigned to Oxford Schools, reviewed the Tip and informed Nuss that “none of those are new to me. We’ve looked at all those already. I still don’t see an actual threat in any of these.”

37. Based on available records, neither Officer Louwaert nor Assistant Principal Nuss took any further steps to assess the risk associated with this Tip. On November 26, 2021, Doe received a Sig Saur 9 mm semi-automatic handgun as a gift from his father.

38. Based on available information, the MSP was aware of each of the above-described incidents of school violence.

Events of November 26, 2021 to November 30, 2021, the Day of the Shooting

39. On November 26, 2021, Doe posted a picture of the Sig Saur 9 mm semi-automatic handgun to his social media account with the caption: “just got my new beauty today [heart eyes emoji] Sig Saur 9 mm. Any questions I will answer.”

40. Doe posted to Instagram a picture and caption of the Sig Saur 9 mm semi-automatic handgun. This post was for public viewing and accessible to all Defendants.

41. On November 27, 2021, Doe's mother posted a photo on her social media account with a picture of a target at a shooting range: "mom and son day testing out his new Christmas present." This message referred to Doe firing his handgun. Doe's mother's account was also set to allow public viewing.

42. Plaintiff has reason to believe that Program Technicians were receiving Tips which included screenshots of photographs of the gun which Doe had access to or references to the gun on social media posts of Doe and his mother or concerned students, parents and members of the public who were aware of the posts.

43. Plaintiff has reason to believe that Program Technicians were receiving scores of Tips in November of 2021 from OHS students, school staff, parents, and members of the public about the threats to OHS.

44. On the morning of November 29, 2021, Nicholas Ejak, Dean of Students, and Pam Fine, the District's Restorative Practices Coordinator, received an email from Doe's Spanish teacher stating that Doe had been using his phone during class to access the internet and to look up information about bullets.

45. This email message was forwarded to Doe's counselor, Shawn Hopkins.

46. Pam Fine called Doe to her office to meet with Fine and Hopkins. The meeting started at approximately 9:00 am on November 29, 2021, and lasted approximately five minutes.

47. The only support or guidance that Fine and Hopkins provided to Doe was to inform him that looking up bullets on his phone during school was not "school appropriate behavior."

48. In response, Doe told Fine and Hopkins that he had gone to a gun range with his mother the previous weekend to shoot guns, that shooting guns was a family hobby, and that he was researching information about his shooting hobby.

49. During the meeting, Doe was compliant, calm, and understanding, was not argumentative or oppositional, and demonstrated an obedience to authority. At the conclusion of the meeting, Fine and Hopkins permitted Doe to return to class.

50. After the meeting, Fine called Doe's mother and left a voicemail message. In accordance with the District's policy, Fine did not ask for a return call from Doe's mother because the situation did not present a disciplinary issue.

51. On November 29, 2021, Doe posted to his public Twitter account: "Now I am become Death, the destroyer of worlds. See you tomorrow, Oxford."

52. The MSP knew or should have been aware of this disturbing public Twitter post and failed to take appropriate action.

53. The morning of November 30, 2021, at approximately 8:30 am, Hopkins received an email from a teacher in the English department stating that Doe was watching during class a video depicting a shooting on his phone.

54. At approximately 8:59 am, Doe's math class participated in a test review. On his worksheet, Doe drew a picture of his Sig Sauer 9 mm handgun. Under the gun, he wrote: "The thoughts won't stop. Help me." To the right, he drew a person with two gunshot wounds: one in the chest and one in the abdomen with blood coming from the mouth. Beside this, he wrote "blood everywhere" and drew a shell casing or bullet. Below, Doe drew a laughing/crying emoji. Finally, he wrote: "My life is useless" and "The world is dead." His teacher saw the drawing and immediately reported it to Hopkins and Ejak.

55. At some point that morning, Doe altered the drawing. He scratched out the drawings of the gun, the bloody figure, and the words "Help me," and, "My life is useless," "The world is dead," and "Blood everywhere." He added new sarcastic phrases which, in context, were also

disturbing: “video game this is,” “harmless act,” “I love my life so much!!!!” “OHS rocks!” and “we’re all friends here.”

56. Nicholas Ejak, Dean of Students, came to Hopkins’ office around 9:00 am to let Hopkins know that he had seen a picture of the writings and drawings on Doe’s math assignment.

57. Hopkins took possession of the math assignment off Doe’s desk in the math classroom and then escorted him to the counseling office, where Ejak was waiting. His backpack remained in the classroom.

58. Ejak returned to the math classroom and retrieved Doe’s backpack, which contained a handgun and forty-eight rounds of ammunition and a journal describing his murderous plot.

59. Neither Hopkins nor Ejak searched Doe’s backpack or locker to determine whether Doe was armed and dangerous and to determine whether he had immediate access to a deadly weapon he could use to harm himself or others.

60. Ejak and Hopkins thus had actual knowledge of a safety threat and a concern for Doe’s safety and well-being, given the events in the preceding months and specifically on November 29 and 30, 2021, which included: searching for bullets on his phone, informing Hopkins and Fine of his shooting hobby, viewing a shooting video during English class, and drawing disturbing words and images on a paper assignment in math.

61. At that point, Hopkins determined that Doe was suicidal.

62. At approximately 10:30 am, Doe’s mother and father arrived at the school and refused to take Doe home.

63. Hopkins and Ejak knew that because Doe was suicidal, and because the facts established probable cause to know that he posed a threat to himself and others, he should be supervised in a safe setting, and that he should not be left alone.

64. Ejak and Hopkins had the authority as school administrators to maintain Doe in a safe, secure and restricted environment in the counseling office, where, based on the assessment that he was suicidal, he was supervised by adults and did not have access to weapons that he could use to harm himself or others.

65. Instead, Ejak and Hopkins used their authority to return Doe to class, despite knowing that he was suicidal, and that he posed a substantial threat to himself and others.

66. Hopkins and Ejak misused their authority by sending Doe back through the school to his third period class, alone, with his unsearched backpack containing a handgun, forty-eight rounds of ammunition and a journal containing his murderous plot.

67. Hopkins, despite knowing that Doe was suicidal and was a threat to himself “in spite of his statement [to the contrary],” concealed those facts from Doe’s teachers as well as the school’s liaison police officer, and further concealed both the fact that Doe should not be left alone and the threat he posed to himself and others.

68. Less than two hours after Ejak and Hopkins released Doe from the safety and security of the counseling office, Doe took his backpack into a bathroom and emerged with his loaded handgun.

69. Doe then opened fire, killing four students, including Hana St. Juliana, and seriously injuring seven others

**The MSP Violated Hana St. Juliana’s Constitutional Right to Bodily Integrity as
Guaranteed by Article 1 § 17 of the Michigan Constitution**

70. On July 26, 2022, the Michigan Supreme Court recognized a claim for damages arising from the Michigan Constitution except when the Constitution has delegated to another branch of government the obligation to enforce the constitutional right or when another branch of government has provided a remedy the Michigan Supreme Court considers adequate. *Bauserman v Unemployment Insurance Agency*, MSC Case No. 160813, July 26, 2022, pps. 25-26.

71. In this matter, the Constitution has not delegated a remedy to another branch of government and neither the legislature nor executive branch of government has provided an adequate remedy.

72. Article 1 § 17 of the Michigan Constitution provides that the State of Michigan shall not deprive a person of life or liberty without due process of law. The Michigan Supreme Court has recognized that a person's right to bodily integrity is a constitutional right protected by the due process clause of article 1 § 17 of the Michigan Constitution.

73. The Michigan Supreme Court has characterized the damage remedy under article 1 § 17 of the Michigan Constitution as a "constitutional tort." *Bauserman*, p. 31.

74. The escalating school violence incidents and events occurring from November 4 through and including the morning of November 30th placed OHS at risk for a more serious school violence incidence.

75. The escalating school violence incidents put OHS in crisis mode.

76. Minimally enhanced security measures triggered by the escalating incidents of school violence, if timely mandated by the MSP, would have been effective in deterring further escalation of the risk of school violence or would have prevented the November 30th shooting from occurring.

77. MCL 752.913(3) established mandatory duties on the MSP, including:

- a. The duty to ensure that all reports from all schools are directed to the MSP hotline program and that the hotline program remains operational as all times and must provide oversight over the program.
- b. The duty to review all reports and information submitted through the hotline to determine if the report represents a potential threat.
- c. The duty to direct the information and its risk assessment to appropriate local law enforcement and the affected school officials.
- d. The duty to evaluate the responses of local law enforcement and school officials to ensure that the responses are effective in dealing with report and the risks the MSP has identified.

78. The MSP violated these mandatory duties because it:

- a. Failed to ensure that all reports from all schools are directed to the MSP hotline program, that the hotline program would remain operational as all times, and to provide oversight over the program, while the statute expressly forbade the operation of any other law enforcement tip line
- b. Failed to review all reports and information regarding the escalating incidents of school violence at OHS submitted through the hotline to determine if the report represents a potential threat.
- c. Failed to direct the information and its risk assessment of the escalating incidents of school violence at OHS to appropriate local law enforcement and the affected school officials.
- d. Failed to require compliance with MCL 752.913(4) regarding the reporting obligations of organizations receiving Tips and failed to evaluate the responses of local law enforcement and school officials to the escalating incidents of school violence at OHS to ensure that the responses are effective in dealing with report and the risks the MSP identified.

79. Hana St. Juliana and the other students killed or injured at OHS on November 30th were within the class of individuals to be protected by the enactment of MCL 752.913(3).

80. The breach of these mandatory duties by the MSP resulted in a complete failure on the part of OHS administration and the MSP to perform adequate risk assessments, to timely intervene to prevent harm or injury or to enhance security at OHS.

81. As outlined in the Statement of Facts, MSP had a policy and practice of performing timely risks assessments of Tips and whenever possible to intervene as aggressively as necessary to prevent injury to students, school staff or the public.

82. In this case, the MSP failed to follow the statutorily required policy and practice of making a timely risk assessment and failed to aggressively intervene to prevent the November 30th mass shooting from occurring.

83. Adequate risk assessments, timely intervention, or enhanced security at OHS during the month of November 2021 would have deterred further escalation of school violence incidence or prevented a more serious incident from occurring.

84. But for the MSP's failure to require an enhancement of security at OHS or to take other aggressive actions consistent with past practices, either Doe would not have been able to bring a firearm into the school on November 30th or the existence of the firearm and his plan to murder students would have been detected before the crime occurred.

85. The dereliction of duty by the MSP "shocks the conscience" because the risk of foreseeable harm was exceedingly high, the likelihood that the incidents of school violence unless abated by security measures would continue to escalate was almost a certainty, the responses of OHS and the Oakland County Sheriff's Department was grossly inadequate, and the MSP failure to follow up with the known and escalating reports of school violence as required by law was appalling based on the information available to MSP.

86. Steve St. Juliana, the personal representative of the Estate of Hana St. Juliana, through his attorneys, was made aware of the MSP's actions giving rise to this claim when it was disclosed through a lawsuit against the Oxford Community School District (*St. Juliana et al v. Oxford Community School District et al*, Case No. 22-10805, E.D. Mich.) on July 21, 2022, that

the MSP had received numerous Tips of dangerous conditions at OHS through its OK2SAY Tip System.

87. Prior to July 21, 2022, Plaintiff was unaware of the involvement of the MSP in creating the conditions at the OHS that contributed to the death of Hana St. Juliana.

88. On September 22, 2022, within 6 months of the discovery of the MSP's violation of the decedent's constitutional rights, Plaintiff filed a Notice of Intent to Sue with the Michigan Court of Claims. NOI 22-200232-O.

89. As direct result the MSP's breach of these mandatory duties, Hana St. Juliana's right to bodily integrity was violated when the MSP failed to implement security measures which would have prevented Doe from bringing into school a firearm or would have detected the existence of the firearm and Doe's plans to use it before the shooting occurred.

90. The violation of Hana's St. Juliana's constitutional rights has resulted in her wrongful death entitling the Estate of Hana St. Juliana to recover damages as provided under Michigan's wrongful death statute. MCL 600.2922.

SIGNATURE AND VERIFICATION OF COMPLAINT BY PLAINTIFF

Pursuant to MCL § 600.6431(1), Plaintiff hereby signs and verifies this Notice of Intent before an officer authorized to administer oaths:



Signed: Steve St. Juliana
Steve St. Juliana, Personal Representative of the
Estate of Hana St. Juliana, deceased.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Michigan)

County of Oakland)

The foregoing instrument was acknowledged before me this 28th day of September, 2023 by
Steve St. Juliana.

By: Regina V. Bell
Regina V. Bell, Notary Public Oakland
County, State of Michigan
(acting in Oakland County)
My Commission Expires: 1-4-2029

By: /s/ Michael L. Pitt
Michael L. Pitt (P24429)
Megan A. Bonanni (P52079)
Beth M. Rivers (P33614)
Kevin M. Carlson (P66704)
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Dated: October 2, 2023

STATE OF MICHIGAN
COURT OF CLAIMS

Bundle Cover Sheet

Lower Court:	L Ct No.:	COC No.: TEMP-2G1HN62C
Case Title: STEVE ST. JULIANA, PERSONAL REPRESENTATIVE v. MICHIGAN STATE POL		
Priority: NONE	Filing Option: File Only	

Filer Information

<u>Filer</u> Michael Pitt 117 West Fourth Street, Suite 200 Royal Oak, MI 48067 mpitt@pittlawpc.com	<u>Attorney</u> Michael Pitt, P-24429(MI) 117 West Fourth Street, Suite 200 Royal Oak, MI 48067 mpitt@pittlawpc.com
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Filing Summary

Filing Type	Filing Name	Fee
Summons and Complaint	St. Juliana Court of Claims Complaint Final 10-2-23	\$150.00
	eFiling System Fee:	\$25.00
CONNECTED FILING	St. Juliana - Summons - SOM Final	\$0.00
CONNECTED FILING	St. Juliana - Summons - MSP Final	\$0.00
	NON-REFUNDABLE Automated Payment Service Fee:	\$5.25
	Total:	\$180.25

Alternate Payment Reason: None

The document(s) listed above were electronically filed with the Michigan Court of Claims.

TEMP-2G1HN62C-36609574

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