

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
BUSINESS COURT**

**SHERWIN PRIOR and STOEPEL PROPERTY
HOLDINGS, LLC,
Plaintiffs,**

v.

**Case No. 16-151167-CB
Hon. James M. Alexander**

**ROBERT WILLIAMS,
Defendant.**

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On January 22, 2016, Plaintiffs filed their Complaint on allegations that Defendant breached the parties' verbal contract for property management and maintenance services. Plaintiffs' claims also include fraud, misrepresentation, and forgery as to Defendant's status as a member of Stoepel Property Holdings, LLC, conversion, breach of fiduciary duty, quiet title, and declaratory and injunctive relief. Contemporaneous with the filing of the Complaint, Plaintiffs filed a Notice of Assignment to the Business Court – claiming that this is a business or commercial dispute because “one or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members, directors, officers, agents, employees, suppliers, or competitors, and the claims arise out of those relationships.” See MCL 600.8031(1)(c)(ii). Plaintiffs also claim that this is a business or commercial dispute because the action “involves the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise” See MCL 600.8031(1)(c)(iv).

This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756

(2002). Subject matter jurisdiction is determined by the allegations in the pleadings. *Trost v Buckstop Lure Co, Inc*, 249 Mich App 580, 587-588; 644 NW2d 54 (2002).

Business court jurisdiction is limited to actions involving a “business or commercial dispute” in which the amount in controversy exceeds \$25,000.00. See MCL 600.8035(1) and (3). The phrase “amount in controversy” refers to the amount of damages claimed. *Szyszlo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012).

In their Complaint, Plaintiffs do not allege that the amount in controversy exceeds \$25,000.00, nor do Plaintiffs provide a specific amount in monetary damages. Thus, Plaintiffs have failed to demonstrate that this action involves a claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

As a result, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1). For this reason, this action is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket.

This case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

January 27, 2016
Date

/s/ James M. Alexander
Hon. James M. Alexander, Circuit Court Judge