

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

VARILEASE FINANCE INC, et al

Plaintiffs,

v

Case No. 14-143993-CK  
Hon. Wendy Potts

PLANET HOLLYWOOD  
INTERNATIONAL, INC, et al,

Defendants.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court  
Held in Pontiac, Michigan

On

NOV 21 2014

Plaintiffs filed this complaint seeking a declaratory judgment against Defendants over the parties' respective duties under an equipment lease. Plaintiff submitted a notice of assignment to business court claiming that the matter is a business or commercial dispute because "all of the parties are business enterprises," MCL 600.8031(1)(c)(i).

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).

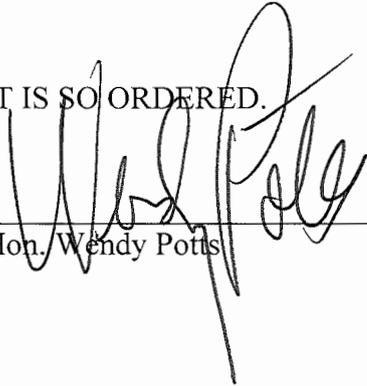
Business court jurisdiction is limited to "business and commercial disputes in which the amount in controversy exceeds \$25,000." MCL 600.8035(1). Although Plaintiffs claim in their

jurisdictional allegations that the amount in controversy exceeds \$25,000, their sole count seeks a declaratory relief and does not allege any money damages.

Because this action does not involve a claim for money damages exceeding \$25,000, it does not fall within Business Court jurisdiction and the Court orders the case reassigned to the general civil docket.

Dated: **NOV 21 2014**

IT IS SO ORDERED.

  
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Hon. Wendy Potts