

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

**SUPERIOR ELECTRIC COMPANY OF
GREATER DETROIT,
Plaintiff,**

v.

**Case No. 16-151273-CB
Hon. James M. Alexander**

**SKYMARK PROPERTIES, SPE, LLC,
Defendant.**

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On January 29, 2016, Plaintiff filed the present Complaint on allegations that Defendant failed to perform its financial obligations under the parties' agreement regarding labor and material for improvements to property located in Southfield, Michigan. Contemporaneous with the filing of the Complaint, Plaintiff filed a blank Notice of Assignment to the Business Court.

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 its Complaint, Plaintiff is seeking equitable relief as well as monetary damages in an amount in excess of \$20,630.59, plus interest, costs, and attorney fees. For purposes of

determining business court jurisdiction only, the Court finds that Plaintiff has not provided any factual allegations to indicate that the claim for monetary damages exceeds \$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.

February 3, 2006
Date

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