

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

STONE WILLIAMS, LLC,

Plaintiff,

v

Case No. 2016-153270-CB
Hon. James M. Alexander

NOVAMED CORPORATION,

Defendant.

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OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On June 1, 2016, Plaintiff filed the present Complaint for Declaratory Judgment Relating to Claims Under Equity Purchase Agreement on allegations that Defendant's eight claims for recovery lack merit under the parties' agreement. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court – claiming that this is a business or commercial dispute because all of the parties are business enterprises and that the business or commercial dispute involves contractual agreements or other business dealings. See 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 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. *Szyslo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012).

Upon review of Plaintiff's Complaint, the Court observes that Plaintiff is not seeking monetary damages in excess of \$25,000.00. Rather, Plaintiff is seeking equitable relief in the form of a declaratory judgment against Defendant. Accordingly, this case does not involve a claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

For the reason that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1), 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.

June 16, 2016
Date

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