

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

**NPN PAINTING, LLC,
Plaintiff,**

v.

**Case No. 16-153964-CB
Hon. James M. Alexander**

**HILLTOP CONTRACTING, INC and
KSP DEVELOPMENT, INC.,
Defendants.**

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On July 13, 2016, Plaintiff filed a Complaint against Defendants on allegations that Defendant Hilltop Contracting, Inc has failed and refused to pay the remaining amount due and owing under the parties' agreement. Plaintiff is seeking equitable relief in addition to \$7,000.00 in monetary damages. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to 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).

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 monetary damages in the amount of \$7,000.00 plus interest, attorney fees, and costs. As such, the amount in controversy does not comply with MCL 600.8035(1), which requires that business court cases include a claim for monetary damages exceeding \$25,000.00.

Thus, 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.

July 19, 2016
Date

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