

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

WILLIAM M. BOSTON,

Plaintiff,

v

Case No. 2016-155131-CB  
Hon. James M. Alexander

INDEPENDENCE TOOLING SOLUTIONS, LLC,

Defendant.

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**OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT**

On September 20, 2016, Plaintiff filed the present Complaint for Declaratory Judgment, seeking a determination that Plaintiff, a former employee of Defendant, is not restricted from working for Sharp Tooling Solutions. 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 “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).

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. As such, this case does not involve an actual claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

On October 5, 2016, the Court issued an Opinion and Order Regarding Business Court Jurisdiction, providing Plaintiff with an opportunity to amend the Complaint for Declaratory Judgment to include a request for monetary damages exceeding \$25,000.00, if warranted, by October 17, 2016 or the case shall be excluded from business court.

Plaintiff has not amended the Complaint for Declaratory Judgment and accordingly, 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.**

October 18, 2016  
Date

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