

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

STATE AUTO PROPERTY &
CASUALTY INS CO,

Plaintiff,

v

Case No. 15-146807-CB
Hon. Wendy Potts

PI RESTAURANT, LLC, et al,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On

MAY 18 2015

Plaintiff State Auto Property & Casualty Insurance Company filed this complaint seeking a declaratory judgment that it has no obligation to defend or indemnify Defendants PI Restaurant, LLC and PI Banquet Hall, LLC regarding a personal injury complaint filed by the individual Defendants. State Auto submitted a notice of assignment to business court claiming that the matter 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).

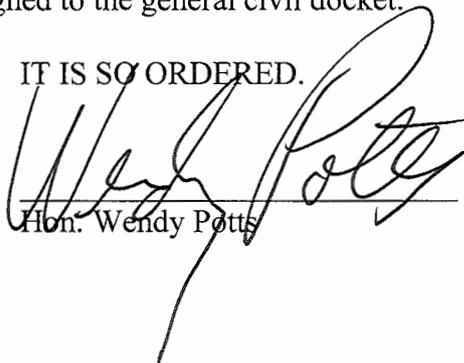
This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756

(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 “business and commercial disputes in which the amount in controversy exceeds \$25,000.” MCL 600.8035(1). Plaintiff’s sole claim seeks only declaratory relief and does not allege any money damages, and Defendants have not filed a counterclaim. Moreover, Plaintiffs fail to allege how the individual Defendants, who are the personal injury complainants in the underlying action, qualify as present or former owners, managers, shareholders, members, directors, officers, agents, employees, suppliers, or competitors of State Auto or the PI Defendants. MCL 600.8031(1)(c)(ii).

Because the allegations in the complaint fail to show that this action falls within Business Court jurisdiction, the Court orders the case reassigned to the general civil docket.

IT IS SO ORDERED.



Hon. Wendy Potts

Dated:

MAY 18 2015