

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

WIXOM HOLDING COMPANY, LLC,
et al,

Plaintiffs,

v

Case No. 15-147392-CB
Hon. Wendy Potts

EATHORNE PROPERTIES, LLC, et al,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

JUN 1st 2015

Plaintiffs Wixom Holding Company, LLC and Asa Shapiro filed this complaint to quiet title to real property. Plaintiffs submitted a notice of assignment to business court claiming that the matter is a business or commercial dispute because “all of the parties are business enterprises.” 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 “business and commercial disputes in which the amount in controversy exceeds \$25,000.” MCL 600.8035(1). Plaintiffs allege only two claims: a

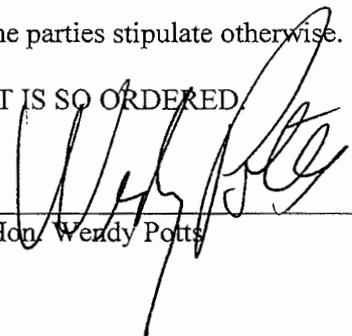
quiet title claim seeking equitable relief and a declaratory judgment claim. Plaintiffs have not alleged an amount in controversy exceeding \$25,000, nor do they seek money damages.

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.

The case code will be changed to CH unless the parties stipulate otherwise.

IT IS SO ORDERED.

Dated: JUN 15 2015



Hon. Wendy Potts