

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DOMESTIC UNIFORM RENTAL,

Plaintiff,

v

Case No. 2015-148859-CB

Hon. Wendy Potts

INTERSTATE BATTERIES; INTERSTATE
BATTERIES OF KALAMAZOO; CREMEANS
& SONS, INC.; TIM CREMEANS; and BARB
FORWARD, jointly and severally,

Defendant.

_____ /

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On
OCT 01 2015

On September 1, 2015, Plaintiff filed the present Complaint, seeking declaratory relief in order to enforce an arbitration provision set forth in the parties' series of contracts. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court – claiming that this action qualifies as a business or commercial dispute concerning contractual agreements or other business dealings, i.e., an action to compel arbitration.

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).

In this case, Plaintiff’s Complaint seeks only declaratory relief, litigation costs, and attorney fees and does not allege any monetary damages. Thus, this case does not involve an amount in controversy exceeding \$25,000 as required by MCL 600.8035(1).

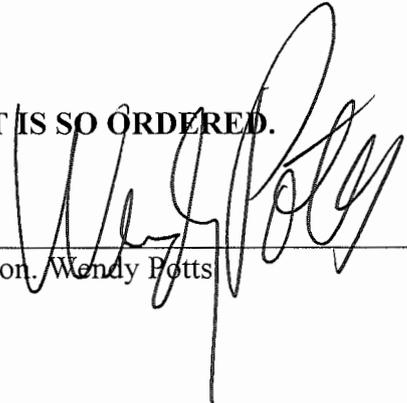
For the reason that the allegations in the Complaint fail to show that this action falls within business court jurisdiction, the Court orders the case reassigned to the general civil docket.

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

Dated:

OCT 01 2015

IT IS SO ORDERED.



Hon. Wendy Potts