

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

AUTO OWNERS INSURANCE COMPANY,

Plaintiff,

v

Case No. 2015-149157-CB
Hon. Wendy Potts

GREAT LAKES ROOFING COMPANY;
SUNNYMEDED APARTMENTS, LLC,

Defendant.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On

OCT 05 2015

On September 17, 2015, Plaintiff filed the present Complaint, seeking declaratory relief concerning a commercial general liability policy and a commercial umbrella policy. 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 such as business or commercial insurance policies.

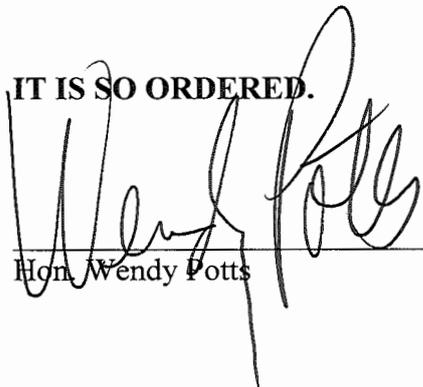
This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756 (2002). Subject matter jurisdiction is determined by the allegations in the pleadings. *Trost v Buckstop Lure Co, Inc*, 249 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). Although Plaintiff maintains that the amount in controversy exceeds \$25,000.00, Plaintiff is not requesting monetary damages in its Complaint. In fact, Plaintiff’s Complaint seeks only declaratory relief regarding rights available under two insurance policies, litigation costs, and attorney fees. Thus, this case does not involve a claim for monetary damages exceeding \$25,000.00 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 05 2015

IT IS SO ORDERED.

Hon. Wendy Potts