

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

DEPENDABLE CONSTRUCTION, LTD,

Plaintiff,

v

Case No. 2015-149772-CB
Hon. Wendy Potts

H & H RENTALS, L.L.C.,

Defendant.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

OCT 28 2015

On October 23, 2015, Plaintiff filed the present Complaint, seeking specific performance of the parties' purchase agreement for the sale of real property, located at 1601 E. Hamlin Road, Rochester Hills, Michigan. 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 because all of the parties are business enterprises and the dispute concerns commercial real property.

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).

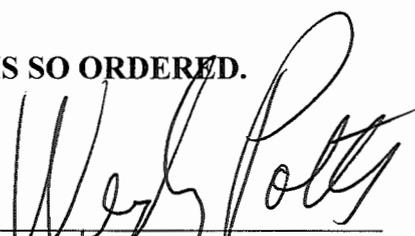
The phrase “amount in controversy” refers to the amount of damages claimed. *Szyslo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012).

In its Complaint, Plaintiff is not requesting monetary damages. In fact, Plaintiff’s Complaint seeks only specific performance by Defendant to sell the real property to Plaintiff in accordance with the parties’ purchase agreement in addition to costs and expenses, including 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 28 2015**

IT IS SO ORDERED.


Hon. Wendy Potts