

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

AMD MANAGEMENT, LLC; ALAN VOLKOS;
And MARK JUNCAJ,

Plaintiffs,

v

Case No. 2015-149850-CB
Hon. Wendy Potts

POWER UP LENDING GROUP, LTD.,

Defendant.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On

NOV 10 2015

On October 27, 2015, Plaintiff filed the present Complaint, seeking a declaration that the parties' loan agreement and its related guarantees violate Michigan's criminal usury law and are therefore, unenforceable. Plaintiff indicates on the face of the Complaint that this case meets the statutory requirements to be assigned to the Business Court.

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. *Szyszlo 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 with respect to the parties’ loan agreement and related guarantees. 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.

IT IS SO ORDERED.

Hon. Wendy Potts

Dated:

NOV 10 2015