

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

INCITE INFORMATICS, LLC f/k/a
PERFORMANT SYSTEMS GROUP, LLC,

Plaintiffs,

v

Case No. 2015-149927-CB
Hon. Wendy Potts

CRAIG D. JACKSON, JR.,

Defendant.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

NOV 1^{On} 2015

On October 30, 2015, Plaintiff filed the present Complaint for Declaratory Judgment, seeking a declaration that Defendant's sharing ratio in Incite Informatics, LLC has been reduced by virtue of Defendant's failure to comply with the company's capital call. 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 “one or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members, directors, officers, agents, employees, suppliers, or competitors, and the claims arise out of those relationships.” See MCL 600.8031(1)(c)(ii).

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).

The Court finds that Plaintiff’s Complaint does not seek monetary damages, but only declaratory relief concerning Defendant’s respective sharing ratio in Incite Informatics, LLC. Thus, this case does not involve a claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

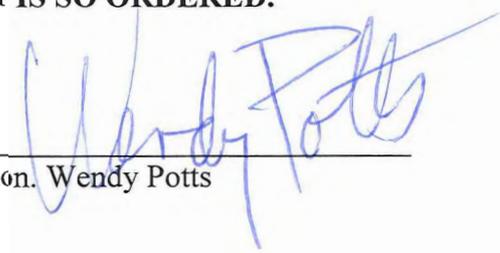
For the reason that the allegations in the Complaint fail to show that this action falls within business court jurisdiction, the Court orders the case reassigned to the general civil docket.

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

IT IS SO ORDERED.

Dated:

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Hon. Wendy Potts