

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

YATES SERVICES, LLC,

Plaintiff,

v

Case No. 2015-149929-CB
Hon. Wendy Potts

ORCHARD EXECUTIVE OFFICES, LLC,
And MICHIGAN BUSINESS CONNECTION, LC,

Defendants.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On

NOV 19 2015

On October 30, 2015, Plaintiff filed the present Complaint, arguing that Defendant breached the parties' agreement by failing or refusing to pay for Plaintiff's heating, ventilation, and air conditioning services to Defendant's commercial property, located at 30201 Orchard Lake Road, Farmington Hills, Michigan 48334-2235. Plaintiff is seeking a declaration that its construction lien upon the property is valid, an order of sale of the property to satisfy Plaintiff's construction lien, the appointment of a Receiver to supervise the sale of the property, and a money judgment in the amount of \$14,759.33. Judge Michael Warren entered an Order of Assignment to the Business Court on November 6, 2015, indicating that all of the parties are business enterprises and the business or commercial dispute involves contractual agreements or other business dealings involving 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).

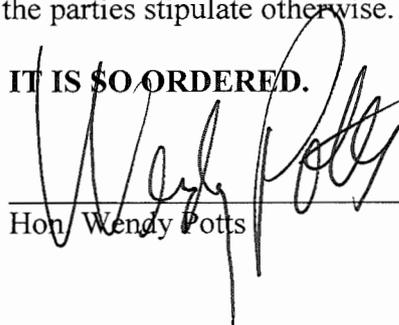
Business court jurisdiction is limited to actions involving a “business or commercial dispute” in which the amount in controversy exceeds \$25,000.00. See MCL 600.8035(1). The phrase “amount in controversy” refers to the amount of damages claimed. *Szyszlo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012).

In this matter, Plaintiff claims that Defendant owes \$14,759.33 in connection with heating, ventilation, and air conditioning services Plaintiff furnished to Defendant’s property. The Court finds that the amount in controversy in this action is \$14,759.33, plus late fees, interest, costs, and attorney fees. As such, the amount in controversy does not comply with MCL 600.8035(1), which requires that business court cases include a claim for monetary damages exceeding \$25,000.00. Parenthetically, there may be a question of subject matter jurisdiction regarding certain claims within Plaintiff’s Complaint for the reason that circuit court jurisdiction generally involves only claims seeking damages exceeding \$25,000.00. MCL 600.605; MCL 600.8301.

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 of the Honorable Michael Warren.

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

IT IS SO ORDERED.



Hon Wendy Potts

Dated: **NOV 19 2015**