

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

DAVID G. NUNNELLEY, MILES J. LAKIN,
HEIDACKER AUTOMOTIVE, LLC, and
GORDON M. HEIDACKER,
Plaintiffs,

v

Case No. 2015-150357-CB
Hon. Wendy Potts

GEARHEAD GARAGE, LLC, and
GREGORY R. POWRIE,
Defendants.

_____ /

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On
DEC 10 2015

On November 25, 2015, Plaintiffs filed the present Complaint, arguing that Defendants have breached the Operating Agreement of Gearhead Garage, LLC by refusing to allow Plaintiffs to inspect its books and records at the registered office. Plaintiffs are seeking a writ of mandamus as well as declaratory and injunctive relief against Defendants. Plaintiffs have not filed a Notice of Assignment to the Business Court in this matter.

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. *Szyslo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012).

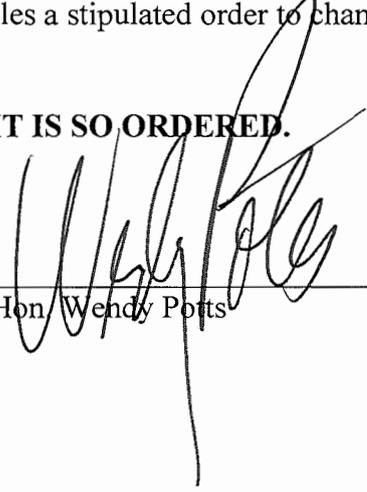
In their Complaint, Plaintiffs do not indicate that the amount in controversy exceeds \$25,000.00, nor do Plaintiffs request monetary damages. Rather, Plaintiffs are seeking a writ of mandamus, an accounting, declaratory relief, injunctive relief, and attorney fees and costs. Thus, this case does not involve a claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

As a result, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1). For this reason, this action is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket.

This case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

Dated: **DEC 10 2015**



Hon. Wendy Potts