

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

126-128 WEST WALLED LAKE, LLC,

Plaintiff,

v

Case No. 2016-152340-CB
Hon. Wendy Potts

BERNARDI LAND COMPANY, LLC, and
DIFFIN-UMLOR AND ASSOCIATES, LLC,

Defendant.

_____ /

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
APR 14 2016

On April 5, 2016, Plaintiff filed the present Verified Complaint to enjoin or restrain Defendant from conducting any demolition activities within fifteen feet of Plaintiff's property so as to avoid affecting or impairing Plaintiff's or its tenants' ingress or egress to and from the property. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court – claiming that all of the parties are business enterprises and that this action qualifies as a business or commercial dispute concerning 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. *Szyszlo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012).

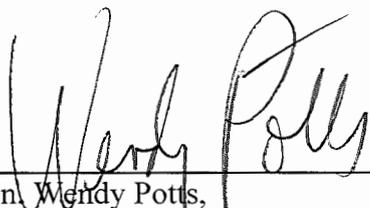
In its Verified Complaint, Plaintiff only seeks equitable relief in the form of an immediate and permanent injunction against Defendant. Thus, this case does not involve a claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

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: APR 14 2016



Hon. Wendy Potts,
Circuit Court Judge