

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

MCCONNELL & SCULLY, INC.,

Plaintiff,

v

Case No. 2016-152536-CB
Hon. Wendy Potts

ENERGEX PETROLEUM, INC.,

Defendant.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
MAY 26 2016

On April 18, 2016, Plaintiff filed the present Complaint on allegations that Defendant failed to pay all sums due and owing to Plaintiff for services, equipment, and supplies. While the case was originally assigned to the general civil docket, the Honorable Martha Anderson entered an Order of Assignment to the Business Court on May 2, 2016. The Order of Assignment provides that all of the parties are business enterprises and that the business or commercial dispute involves contractual agreements or other business dealings. MCL 600.8031(1)(c)(i).

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).

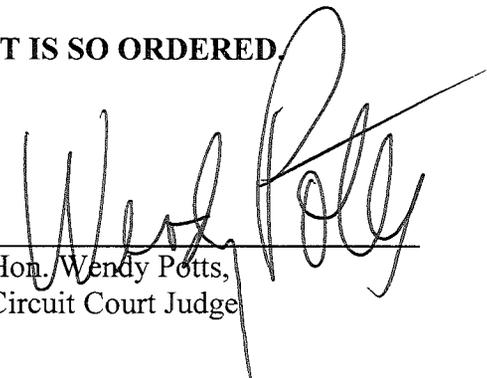
Business court jurisdiction is limited to actions involving a “business or commercial dispute” in which the amount in controversy exceeds \$25,000.00. See MCL 600.8035(1) and (3).

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 Complaint, Plaintiff is seeking equitable relief as well as monetary damages in the amount of \$16,336.00, in addition to costs, interest, and attorney fees. For purposes of determining business court jurisdiction only, this case does not involve a claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

As such, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1). Therefore, this matter is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket of the Honorable Martha Anderson.

IT IS SO ORDERED.



Hon. Wendy Potts,
Circuit Court Judge

Dated:

MAY 26 2016