

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

TROY 888, LLC,

Plaintiff,

v

Case No. 2016-153128-CB
Hon. Wendy Potts

SUMMIT WILSHIRE, LLC, WELLS FARGO
BANK, N.A., and MAX J. CORPORATION,

Defendants.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
JUN 01 2016

On May 20, 2016, Plaintiff filed the present Complaint to seek quiet title to a Retention Pond Parcel located in Troy, Michigan. 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 pursuant to MCL 600.8031(1)(c)(i) and that the business or commercial dispute involves 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).

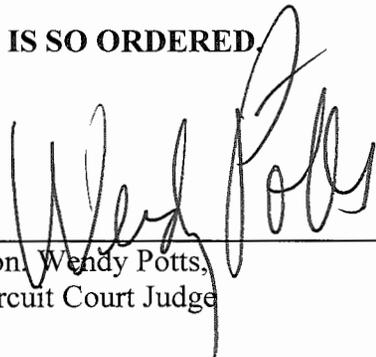
The phrase “amount in controversy” refers to the amount of damages claimed. *Szyslo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012).

In its Complaint, Plaintiff only seeks equitable relief in the form of a judgment quieting title to a Retention Pond Parcel in its favor. 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.

A handwritten signature in black ink, appearing to read "Wendy Potts", is written over a horizontal line. The signature is cursive and somewhat stylized.

Hon. Wendy Potts,
Circuit Court Judge

Dated: JUN 01 2016