

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

DTE GAS COMPANY, a Michigan
corporation,

Plaintiff,

No. 15-287-CK

vs.

DEARBORN INDUSTRIAL GENERATION,
LLC, a Michigan limited liability corporation,

**ORDER RE: BUSINESS
COURT JURISDICTION**

Defendants.

At a session of said Court held in the City
of Lansing, County of Ingham, State of
Michigan, on: **April 20, 2015**

PRESENT: Hon. Joyce Draganchuk
 Circuit Judge

Plaintiff filed a Complaint in the above action on April 8, 2015. Although the Complaint alleges that the amount in controversy exceeds \$25,000, the only relief requested is to declare that the Michigan Public Service Commission has exclusive and primary jurisdiction to hear and decide the parties' dispute. In accordance with MCR 2.112(O), the Plaintiff identified the case as meeting the statutory requirements for business court.

MCL 600.8035(1) provides that "[a] business court has jurisdiction over business and commercial disputes in which the amount in controversy exceeds \$25,000.00." As a court of general equity jurisdiction, circuit court has subject-matter jurisdiction to issue

a declaratory ruling, an injunction, or a writ of mandamus. Const. 1963, art. 6, § 13; MCL 600.605; *Consumers Power Co. v. Public Service Comm.*, 415 Mich. 134, 144, 327 N.W.2d 875 (1982).

Had the Legislature intended business court jurisdiction to be concurrent with circuit court jurisdiction, it could have included actions for declaratory or injunctive relief to be within business court jurisdiction. Instead, the Legislature only provided for business court jurisdiction over cases where the amount in controversy exceeds \$25,000. This may have been an oversight. If so, it must be corrected before cases seeking only declaratory relief fall within the jurisdiction of business court.

IT IS HEREBY ORDERED that this case does not meet the jurisdictional requirements of business court and it shall be returned to the judge to whom it was originally assigned in the blind draw.

/s/

Hon. Joyce Draganchuk
Circuit Judge

PROOF OF SERVICE

I certify that I served a copy of the above Order upon the attorney of record by placing said Order in a sealed envelope addressed to him and depositing same for mailing with the United States Mail at Lansing, Michigan, on **April 20, 2015**.

/s/

Michael G. Lewycky
Law Clerk/Court Officer