

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

**AUTO OWNERS INSURANCE COMPANY,
Plaintiff,**

v.

**Case No. 15-151383-CB
Hon. James M. Alexander**

**MANSOUR RESIDENTIAL HOLDINGS, LLC,
NANTUCKET TOWNHOMES HOMEOWNERS
ASSOCIATION, and CARMELL MUHAMMAD
Defendants.**

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On February 4, 2016, Plaintiff filed the present Complaint for Declaratory Relief and Demand for Jury, wherein it requests this Court to declare that Plaintiff has no duty to defend or indemnify any Defendant with respect to any claim made in the underlying action and that Plaintiff has no liability, and that no coverage exists, under the subject Dwelling Fire Policy. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court – claiming that one of the parties is a nonprofit organization and the claims arise out of that party’s organizational structure, governance, or finances. MCL 600.8031(1)(c)(iii).

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 is not requesting monetary damages, but merely declaratory relief. 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.

February 18, 2016
Date

/s/ James M. Alexander
Hon. James M. Alexander, Circuit Court Judge