

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MICHIGAN RADIOLOGICAL SOCIETY,

Plaintiff,

v

Case No. 2016-153236-CB

Hon. James M. Alexander

OMIC, LLC, d/b/a OAKLAND MRI, and
SUSAN SWIDER,

Defendants.

OPINION AND ORDER REMOVING CASE FROM
BUSINESS COURT JURISDICTION

On May 27, 2016, Plaintiff filed the present Verified Complaint for Declaratory and Injunctive Relief on allegations that Defendants are in violation of the Michigan Public Health Code, the Business Corporation Act, the Professional Service Corporation Act, and the Michigan Limited Liability Company Act. Plaintiff is seeking declaratory relief as well as injunctive relief in the form of a temporary and permanent injunction requiring Defendants to cease operation of their business. 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).

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 is not seeking monetary damages in excess of \$25,000.00. Rather, Plaintiff is seeking equitable relief in the form of a declaratory judgment and a temporary and permanent injunction against Defendants. As such, this case does not involve an actual claim for monetary damages exceeding \$25,000.00 as required by MCL 600.8035(1).

On June 7, 2016, the Court issued an Opinion and Order Regarding Business Court Jurisdiction, providing Plaintiff with an opportunity to amend the Verified Complaint to include a request for monetary damages exceeding \$25,000.00, if warranted, within seven (7) business days from the date of that Opinion and Order or the case shall be excluded from business court.

The Plaintiff has not amended the Verified Complaint and accordingly, 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.

June 17, 2016
Date

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