

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

ROBERT EMERY and SPP HOLDINGS, LLC,

Plaintiffs,

v

Case No. 2016-153243-CB
Hon. James M. Alexander

ROBERT THORNE,

Defendant.

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OPINION AND ORDER REGARDING BUSINESS COURT JURISDICTION

On May 27, 2016, Plaintiffs filed the present Verified Complaint for Injunctive Relief on allegations that Defendant breached his contractual obligations by mismanaging Snuggle Pet and converting company funds. Contemporaneous with the filing of the Complaint, Plaintiffs filed a Notice of Assignment to the Business Court – claiming that this is a business or commercial dispute because “one or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members, directors, officers, agents, employees, suppliers, or competitors, and the claims arise out of those relationships.” See MCL 600.8031(1)(c)(ii).

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).

Upon review of Plaintiffs’ Verified Complaint, the Court observes that Plaintiffs are not seeking monetary damages in excess of \$25,000.00. Rather, Plaintiffs are seeking equitable relief in the form of a temporary and/or permanent injunction against Defendant.

As written, Plaintiffs’ Verified Complaint does not qualify as a business or commercial dispute as defined by MCL 600.8035(1) for the reason that it does not involve a claim for monetary damages exceeding \$25,000.00 as required.

The Court shall provide Plaintiffs with an opportunity to file an Amended Complaint to include a request for monetary damages exceeding \$25,000.00, if warranted, by Tuesday, June 14, 2016 or the case shall be excluded from business court jurisdiction and reassigned to the general civil docket.

IT IS SO ORDERED.

June 9, 2016
Date

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