

STATE OF MICHIGAN

SIXTEENTH JUDICIAL CIRCUIT COURT

LOU'S TRANSPORT, INC.,

Plaintiff,

vs.

Case No. 2017-1968-CB

BLADE ACTION, INC. AND
CHRISTOPHER SORRENTINO,

Defendants,

and

PRIME PROPERTY MANAGEMENT, LLC,
JOHN DOE, TRUSTEE of the FAITHFUL
TRUST, WILLIAM J. WINTER a/k/a BILL
WINTER TRUSTEE of the DELEMERE
TRUST, DAN WINTER and WILLIAM J.
WINTER a/k/a BILL WINTER,

Third-Party Defendants/Counter-Plaintiffs,

vs.

CHRISTOPHER SORRENTINO and
BLADE ACTION, INC.,

Counter-Defendants.

OPINION AND ORDER

This matter is before the Court on the issue of whether this Court has subject matter jurisdiction over the parties' claims. On the date of trial before the 41B district court, that court transferred this matter to this Court. Counter-Plaintiffs argue that this matter has been properly transferred because there is more than \$25,000.00 in controversy.

“Circuit courts are courts of general jurisdiction, and have original jurisdiction over all civil claims and remedies ‘except where exclusive jurisdiction is given by the constitution or by statute to some other court or where the circuit courts are denied jurisdiction by the constitution or statutes of this state.’” *Farmers Ins Exchange v South Lyon Community Schools*, 237 Mich App 235, 241; 602 NW2d 588 (1999), quoting MCL 600.605. MCL 600.8301(1) provides that district courts have exclusive jurisdiction over civil actions where there is \$25,000.00 or less in controversy. In this matter, Plaintiff has represented to this Court that is not seeking to recover more than \$25,000.00 in damages. Further, it appears undisputed that no other aspect of Plaintiff’s claims would operate to confer this Court with jurisdiction over said claims. Rather, Counter-Plaintiffs maintain that this matter was properly transferred because their counter-claims seek in excess of \$25,000.00 in damages.

The counter-complaint in this matter asserts claims for breach of contract, unjust enrichment and release of lien. While none of those claims allege that they have been damages in an amount in excess of \$25,000.00, Counter-Plaintiffs argue that their unjust enrichment claim is actually a conversion claim, which, if proven, would entitle them to more than \$25,000.00 in treble damages. However, Counter-Plaintiffs acknowledged that a claim for conversion was not sufficiently plead. As a result, they now request that this Court allow them to amend their counter-complaint to add a claim that would confer this Court with jurisdiction. By seeking leave to amend their counter-complaint to add a claim that would confer this Court with jurisdiction Counter-Plaintiffs have acknowledged that this Court does not have jurisdiction over the parties’ current

claims. Accordingly, as this Court does not have jurisdiction over the parties' current claims it does not have jurisdiction to allow a party to amend their pleadings. Further, as the parties' claims do not confer this Court with jurisdiction this matter must be transferred back to the 41B district court in order to allow that court to decide whether to allow Counter-Plaintiffs to amend their complaint on the date of trial.

Conclusion

Based upon the reasons set forth above, this Court finds that it lacks subject matter jurisdiction over this matter. As a result, this matter is hereby transferred to the 41B district court. This Opinion and Order resolves the last claim and CLOSES the case. See MCR 2.602(A)(3).

IT IS SO ORDERED.

Date: AUG 07 2017

Kathryn A. Viviano
Hon. Kathryn A. Viviano, Circuit Court Judge