

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

HOME OWNERS INSURANCE COMPANY,

Plaintiff,

No. 14-410-CK

vs.

**ORDER RE: BUSINESS
COURT JURISDICTION**

ALLIED PROPERTY AND CASUALTY
INSURANCE COMPANY AND AMCO
INSURANCE COMPANY,

Defendants.

_____ /

At a session of said Court held in the City
of Lansing, County of Ingham, State of
Michigan, on: April 16, 2014

PRESENT: Hon. Joyce Draganchuk
Circuit Judge

Plaintiff filed a Complaint for Declaratory Judgment in the above action on April 9, 2014. Although the Complaint alleges that the amount in controversy exceeds \$25,000, the only relief requested is a declaratory judgment. 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 16, 2014**.

/s/

Michael G. Lewycky
Law Clerk/Court Officer