

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

JONES PROPERTY DEVELOPMENT, LLC,
a Michigan limited liability company,

Plaintiff,

No. 17-56-CB

vs.

**ORDER RE: BUSINESS
COURT JURISDICTION**

GREENWICH DEVELOPMENT LLC,
a Michigan limited liability corporation,

Defendant.

_____ /

At a session of said Court held in Lansing, Ingham
County, Michigan, on the 25th day of January, 2017

PRESENT: Honorable Joyce Draganchuk
Circuit Judge

Plaintiff filed a two-count Complaint on January 24, 2017. In accordance with MCR 2.112(O), the Plaintiff identified the case as meeting the statutory requirements for business court and Plaintiff case-coded this action as "CB." Count I seeks declaratory and equitable relief and Count II seeks declaratory relief that would quiet title to certain real property.

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.

IT IS FURTHER ORDERED that the Ingham County Clerk's Office shall change the case code to "CH," with "CB" being reserved only for Business Court cases.

/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 January 25, 2017.

/s/

Michael G. Lewycky
Law Clerk/Court Officer