

Order

**Michigan Supreme Court
Lansing, Michigan**

September 26, 2014

Robert P. Young, Jr.,
Chief Justice

149041
149046

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

CHARLES MOODY,
Plaintiff-Appellant,

and

GET WELL MEDICAL TRANSPORT,
PROGRESSIVE REHAB CENTER and
CAROL REINTS, INC.,
Plaintiffs,

v

HOME OWNERS INSURANCE
COMPANY,
Defendant-Appellee.

SC: 149041
COA: 301784
Wayne CC: 10-006722-AV

CHARLES MOODY,
Plaintiff,

and

GET WELL MEDICAL TRANSPORT,
PROGRESSIVE REHAB CENTER and
CAROL REINTS, INC.,
Plaintiffs-Appellants,

v

HOME OWNERS INSURANCE
COMPANY,
Defendant-Appellee.

SC: 149046
COA: 301783
Wayne CC: 10-006722-AV

On order of the Court, the applications for leave to appeal the February 25, 2014 judgment of the Court of Appeals are considered, and they are GRANTED, limited to the issues: (1) whether a district court is divested of subject-matter jurisdiction when a plaintiff alleges less than \$25,000 in damages in his or her complaint, but seeks more than \$25,000 in damages at trial, i.e., whether the “amount in controversy” exceeds \$25,000 under such circumstances, see MCL 600.8301(1); and, if not, (2) whether such conduct nevertheless divests the district court of subject-matter jurisdiction on the basis that the amount alleged in the complaint was made fraudulently or in bad faith. See, e.g., *Fix v Sissung*, 83 Mich 561, 563 (1890).

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae. Motions for permission to file briefs amicus curiae should be filed in Docket No. 149041 only.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 26, 2014

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk