

Order

Michigan Supreme Court
Lansing, Michigan

February 4, 2015

Robert P. Young, Jr.,
Chief Justice

149043

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

LINDA C. HODGE,
Plaintiff-Appellant,

v

SC: 149043
COA: 308723
Wayne CC: 10-012109-AV

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,
Defendant-Appellee.

By order of September 26, 2014, this case was held in abeyance for *Moody v Home Owners Ins Co* (Docket Nos. 149041, 149046). On the Court's own motion, we VACATE our abeyance order of September 26, 2014. On order of the Court, the application for leave to appeal the February 25, 2014 judgment of the Court of Appeals is again considered, and it is 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.



h0128

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.

February 4, 2015

Clerk