

STATE OF MICHIGAN
COURT OF APPEALS

KAREN WASHINGTON and HENRY
WASHINGTON,

UNPUBLISHED
January 30, 2001

Plaintiffs-Appellants,

v

RANDALL ANTHONY LADZINSKI,
CHARLOTTE LOUISE LARSON, and KIM
LARSON,

No. 215147
Macomb Circuit Court
LC No. 96-001275-NI

Defendants-Appellees.

Before: McDonald, P.J., and Neff and Fitzgerald, JJ.

MEMORANDUM.

Plaintiffs appeal as of right the circuit court order dismissing their complaint for lack of jurisdiction in this automobile negligence case. We reverse and remand.

Pursuant to the plain language of MCR 2.227(A)(1), a court has discretion to *transfer* an action upon determining that it does not have jurisdiction over the action. The parties agree that the circuit court erred by *dismissing* plaintiffs' complaint for lack of jurisdiction because the amount in controversy is greater than the district's court's jurisdictional limit that was in effect at the time of the filing of the complaint.¹ Accordingly, we reverse the order of dismissal and remand for reinstatement of plaintiffs' complaint.

Reversed and remanded. Jurisdiction is not retained.

/s/ Gary R. McDonald
/s/ Janet T. Neff
/s/ E. Thomas Fitzgerald

¹ Defendants acknowledged the error both in their brief and at oral argument on this case.