

STATE OF MICHIGAN  
COURT OF APPEALS

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YOUTH LEARNING INNOVATION AND  
NETWORKING FOR KNOWLEDGE AND  
SUCCESS, ALICIA JONES and TAMEKA  
JONES,

UNPUBLISHED  
November 16, 2004

Plaintiffs-Appellants,

v

FIRST ATWATER, L.L.C., DETROIT SCHOOL  
DISTRICT and KIRK GOODLOW,

No. 249274  
Wayne Circuit Court  
LC No. 03-314716-CK

Defendants-Appellees.

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Before: Murray, P.J., and Sawyer and Smolenski, JJ.

PER CURIAM.

Plaintiffs appeal as of right from a circuit court order dismissing the complaint. We affirm in part, reverse in part and remand. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff Youth LINKS leased space in the Tower Center building from First Atwater. It later sublet a portion of the leased premises to the school district. First Atwater filed summary proceedings in the district court against Youth LINKS for nonpayment of rent. The district court ultimately entered judgment in First Atwater's favor, directing Youth LINKS to pay First Atwater \$33,836.25 by May 5, 2003, or face eviction. Rather than paying or appealing the judgment, plaintiffs filed this action to enjoin defendants from evicting Youth LINKS. Plaintiffs also sought damages from the school district for breach of the sublease and against all defendants for various tort claims.

The trial court set a show-cause hearing on plaintiffs' claim for a preliminary injunction. After hearing that proceedings were still pending in the district court, the trial court denied injunctive relief and dismissed the case on the ground that it belonged in the district court.

The basis for the circuit court's ruling is unclear. It appears to have relied on MCR 2.116(C)(6). For dismissal under subrule (C)(6), only substantial identity of parties is required. Thus, as long as the same parties were involved in both actions, it is immaterial that one or more additional parties was named in one of the actions. *J D Candler Roofing Co, Inc v Dickson*, 149 Mich App 593, 598-600; 386 NW2d 605 (1986).

Clearly, the pendency of eviction proceedings following entry of a judgment against Youth LINKS in the district court precluded the circuit court from adjudicating the parties' rights under the lease and determining whether First Atwater was entitled to evict Youth LINKS. However, plaintiffs' other claims, all of which sought damages in excess of \$25,000, could not have been brought in the district court because they exceeded that court's jurisdictional limitation. MCL 600.5739; MCL 600.8301(1); *Adamski v Cole*, 197 Mich App 124, 128; 494 NW2d 794 (1992). "[A] prior action in district court does not preclude pursuit of a subsequent action in circuit court where the district court would not have jurisdiction over the action subsequently filed in circuit court." *Zink v Weingarden*, 168 Mich App 211, 217; 423 NW2d 622 (1988). Therefore, while the trial court correctly denied injunctive relief, it erred in dismissing plaintiffs' complaint in its entirety as the claims seeking money damages were properly before it.

Affirmed in part, reversed in part and remanded for further proceedings consistent with this opinion. Jurisdiction is not retained.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Michael R. Smolenski