

STATE OF MICHIGAN 9TH CIRCUIT COURT KALAMAZOO COUNTY	ORDER FOR THE ESTABLISHMENT OF A BUSINESS COURT	LOCAL ADMINISTRATIVE ORDER 2016-05
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Court Address
227 WEST MICHIGAN AVENUE, KALAMAZOO, MI 49007

Court Telephone No.
(269) 383-8837

Upon approval of this order, Circuit Court Local Administrative Order 2015-09 shall be rescinded.

IT IS ORDERED:

This local administrative order is issued in accordance with MCL 600.8031 *et seq.* It establishes a plan for a specialized business court in the 9th Circuit Court for the purposes outlined in MCL 600.8033(3). The business court has jurisdiction over business and commercial disputes as defined in MCL 600.8031(1)(c) in which the amount in controversy exceeds \$25,000.

1. Judicial Resources/Services:

The Business Court shall consist of a judge or judges appointed by the Michigan Supreme Court as a business court judge.

- A back-up Business Court Judge shall be designated by the Chief Judge to serve in the absence of the appointed Business Court Judge.

2. Cases Eligible for assignment to the Business Court:

a. Cases eligible to be assigned to the business court are identified in MCL 600.8031(2). They are defined as business or commercial disputes, and include any of the following:

- i. Cases in which all of the parties are business enterprises.
- ii. Cases in which one or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members, directors, officers, agents, employees, suppliers, or competitors, and the claims arise of those relationships.
- iii. Cases in which one of the parties is a nonprofit organization and the claims arise out of that party's organizational structure, governance, or finances.
- iv. Cases involving the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise.

b. Business or commercial disputes also include, but are not limited to, the following types of cases:

- i. Cases involving information technology, software, or website development, maintenance or hosting.
- ii. Cases involving the internal organization of business entities and the rights or obligations of shareholders, partners, members, owners, officers, directors, or

- managers.
- iii. Cases arising out of contractual agreements or other business dealings, including licensing, trade secret, intellectual property, antitrust, securities, noncompete, nonsolicitation, and confidentiality agreements if all available administrative remedies are completely exhausted, including, but not limited to, alternative dispute resolution processes prescribed in the agreements.
 - iv. Cases arising out of commercial transactions, including commercial bank transactions.
 - v. Cases arising out of business or commercial insurance policies.
 - vi. Cases involving commercial real property.

3. Judicial Review of Pleadings:

The judge assigned to the business court shall review all pleadings in which a party verifies on the face of the party's initial pleading that the case meets the statutory requirements to be assigned to the business court. Cases that are excluded by MCL 600.8031(3) may be assigned to the business court if the assigned judge determines that it meets the statutory requirements of MCL 600.8035(3). Upon motion of a party, the chief judge of the judicial circuit may review assignments under MCL 600.8035(7) to the business court docket. The ruling of the chief judge under this section is not appealable. MCL 600.8035(7)

4. Case Assignment to Judges in the Business Court:

- a. Cases shall be assigned to a business court judge by blind draw, pursuant to the court's case assignment local administrative order.
- b. A case assigned to a business court judge may be reassigned by blind draw to another judge if the action ceases to include a business or commercial dispute.
- c. A case that does not initially include a business or commercial dispute but that subsequently includes a business or commercial dispute as a result of a cross-claim, counterclaim, third-party complaint, amendment or any other modification of the action, shall be reassigned by blind draw to a business court judge.

5. Docket Management:

Business court cases shall be scheduled according to the 9th Circuit Court Civil Scheduling Procedures Policy, CI-201-i, which includes scheduling for business court cases. Early Scheduling Conferences will be set for each business court case to address alternative dispute resolution (with an emphasis on mediation early in the process), discovery cutoff dates, case evaluation, and final settlement conference. Case management and scheduling conferences shall be conducted by the business court judge.

6. Technology:

Once authorized by SCAO, parties in the 9th Circuit Court Business Court shall use the court's E-Filing System.

Once authorized by SCAO, the parties will be encouraged, whenever possible, to perform service through the 9th Circuit Court's E-Filing System or pursuant to MCR 2.107 (C)(4).

Parties are encouraged to participate through Interactive Video Technology (IVT) for court proceedings, whenever possible. Policy AD-1006-i and MCR 2.402.

7. Opinions:

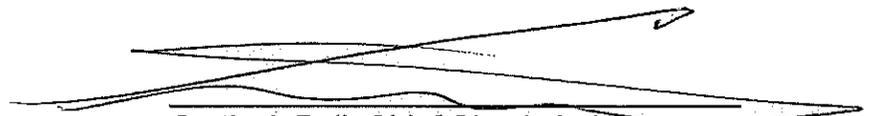
All opinions shall be e-mailed to the State Court Administrative Office within 7 days after the trial court enters the opinion for publication on an indexed website.

8. Local Administrative Staff:

The Trial Division Administrator is the primary contact person for the business court. The court has provided the State Court Administrative Office with the name of the person who has been designated as the primary contact for the business court.

Effective date: Date of Signature

Date: 10-12-16



Curtis J. Bell, Chief Circuit Judge