SCAO TRACKING SHEET FOR ADMINISTRATIVE ORDERS
(PLEASE RETURN W/IN 7 DAYS)

AO #	COURT NAME (COUNTY[IES])	CTNO
2013-03	20th Circuit Court Ottawa County	C20

EXPIRES	RESCINDS	JOINT COURTS & ORDERS

REGARDING	SUBJECT CODE
Plan for the Creation of a Specialized Business Court	ADM - SBD

RECEIVED	REFERRED FOR PROCESSING TO	DATE REFERRED FOR PROCESSING	LOGGED AND REFERRED BY
08/05/2013 NO RESUB		08/06/2013	D Kruger

RECOMMENDATION/COMMENTS		
Approval letter	No. 01	be typed, signed & mailed

REGIONAL	CENTRAL
APPROVED	

BY [signature] DATE 8/6/13 BY _____ DATE _____

From: Jim Inloes
To: Denise Kruger
CC: Deborah Marks
Date: 8/6/2013 1:36 PM
Subject: Re: Fwd: 20th Circuit Court - Plan for the Creation of Specialized Business Court

Recommend approval.

>>> Denise Kruger 8/6/2013 12:40 PM >>>
Jim, please see attached. Ottawa's first business court LAO did not follow the model and we asked them to resubmit. Let me know if ok to process for approval. Thanks.

>>> <HBlodgett@miottawa.org> 8/5/2013 5:23 PM >>>
Hi Denise,

Thank you for your patience as we work to revise previously discussed LAO's and plans; please accept the attached business court plan. Please confirm the assigned AO number for our records. If you need anything further please do not hesitate to contact Kevin or myself.

Thank you!

Heather

Heather Blodgett, M.S.
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EDWARD R. POST
CHIEF CIRCUIT JUDGE – TRIAL DIVISION

JON HULSING
CIRCUIT JUDGE – TRIAL DIVISION

JON A. VAN ALLSBURG
CIRCUIT JUDGE – FAMILY DIVISION

KENT D. ENGLE
CIRCUIT JUDGE – FAMILY DIVISION

MARK A. FEYEN
CHIEF PROBATE JUDGE – FAMILY DIVISION

STATE OF MICHIGAN

TWENTIETH JUDICIAL CIRCUIT COURT
OTTAWA COUNTY

KEVIN J. BOWLING, JD
CIRCUIT COURT ADMINISTRATOR

Administrative Order 2013-3
(Revised 8.5.13)

PLAN FOR THE CREATION OF A SPECIALIZED BUSINESS COURT

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 20th Circuit Court, Ottawa County, 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:**

   Judge Jon A. Van Allsburg has been appointed by the Michigan Supreme Court as a business court judge. His term expires on April 1, 2019. This appointment will be reviewed in one year to evaluate performance and relative caseloads within the 20th Circuit Court.

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 off 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 out 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.

c. Business or commercial disputes expressly exclude the following types of actions:
   i. Personal injury actions including, but not limited to, wrongful death and malpractice actions.
   ii. Product liability actions in which any claimant is an individual.
   iii. Matters within the jurisdiction of the family division of circuit court.
   iv. Proceedings under the probate code of 1939, 1939 PA 288, MCL 710.21 to 712A.32.
   v. Proceedings under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206.
   vi. Criminal matters.
   vii. Condemnation matters.
   viii. Appeals from lower courts or any administrative agency.
   ix. Proceedings to enforce judgments of any kind.
   x. Landlord-tenant matters involving only residential property.
   xi. Land contract or mortgage foreclosure matters involving residential property.
   xii. Motor vehicle insurance coverage under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, except where 2 or more parties to the action are insurers as that term is defined under section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106.
   xiii. Insurance coverage disputes in which an insured or an alleged insured is an individual consumer.
   xiv. Employment discrimination.
   xv. Civil rights including, but not limited to, an action brought under any of the following:
      i. The Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.
      ii. The persons with disabilities civil rights act, 1976 PA 220, MCL 37.1101 to 37.1607.
      iii. Chapter XXI of the Michigan penal code, 1931 PA 328, MCL 750.146 to 750.148.
   xvi. Wrongful discharge, except for actions involving corporate officers or

directors.

xvii. Worker's compensation claims under the worker's disability compensation act, 1969 PA 317, MCL 418.101 to 418.941.

d. Business and commercial disputes verification (pursuant to MCR 2.112(O), effective September1, 2013)

i. If a case involves a business or commercial dispute as defined in MCL 600.8031 and the court maintains a business court docket, a party shall verify on the face of the party's initial pleading that the case meets the statutory requirements to be assigned to the business court. If a cross-claim, counterclaim, third-party complaint, amendment, or any other modification of the action includes a business or commercial dispute, a party shall verify on the face of the party's pleading that the case meets the statutory requirements to be assigned to the business court.

ii. If a party files a pleading alleging a business or commercial dispute as defined in MCL 600.8031 but fails to verify that the case meets the statutory requirements to be assigned to the business court as required in subsection (d.i.) of this subrule, any party to the action may thereafter file a motion for determination that the case is eligible for assignment to the business court.

3. **Judicial Review of Pleadings:**

A judge assigned to the business court shall review all pleadings which may be eligible for assignment 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

4. **Case Assignment to Judges in the Business Court**

i. Cases shall be assigned to a business court judge by blind draw, pursuant to the court's case assignment local administrative order.

ii. 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.

iii. 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.

iv. Pursuant to MCR 2.112(O), effective September 1, 2013, on the motion of a party or the court's own initiative, if the court determines that the action meets the statutory requirements of MCL 600.8031, the court shall assign

the case to the business court.

v. A party may file a motion requesting the chief judge review a decision made under subsection 4.iv. The chief judge's ruling is not an order that may be appealed.

5. **Docket Management**:

Traditional case evaluation is not automatically scheduled in these cases unless expressly ordered following a scheduling conference. Early ADR and proactive case management are the primary themes of case management in the business court. These themes are brought to bear in the following ways:

Early Intervention Conference – scheduled approximately 28 days after service. Cases are immediately ordered into some form of mediation (e.g., early neutral (expert) evaluation, facilitated mediation, arbitration, etc.) with further litigation deadlines postponed 30-90 days, depending on complexity of issues.

Pre-Trial/Scheduling Conference – scheduled at the conclusion of the early neutral evaluation, this conference will review (again) the extent of settlement discussions to date, whether any issues could be narrowed, the probable liability of the parties, and possible areas of settlement. The conference results in a scheduling order, establishing 1) scope of permitted discovery and expedited deadlines for discovery, 2), time frame for further ADR (the court will recommend evaluative mediation or arbitration in appropriate cases), 3) deadlines for summary disposition and other contested motions, 4) deadlines for disclosure of expert and lay witnesses and exhibits, and 5) pre-trial conference, settlement conference, and trial dates.

Settlement Conference – scheduled shortly before established trial dates.

6. **Technology**:

Telephone and video conferencing – the court shall make use of remote conferencing to reduce the time and expense involved in motion practice, and may decide motions without hearing as permitted by MCR 2.119.

Electronic Filing – all cases designated as business court cases are considered part of the E-filing Pilot Project authorized by Administrative Order 2011-4. Once the case is opened and designated as a business court case, all subsequent pleadings shall be electronically filed, unless otherwise ordered by the court.

7. **Opinions**:

All opinions shall be e-mailed to the State Court Administrative Office for publication on an indexed website. Ottawa County Clerk's Office, Circuit Court Records Division, will email opinions shortly after they are filed.

8. **Local Administrative Staff:**

The court has provided the State Court Administrative Office with the name of a local staff person who has been designated as the primary contact for the business court.

Effective Date: July 1, 2013

Date: Aug 5, 2013

Chief Judge Signature: