

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LINDA M. KAJMA,

Plaintiff,

v

Case No. 15-144827-CK
Hon. Wendy Potts

IDS PROPERTY CASUALTY INS CO,

Defendant.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

JAN 30th 2015

Plaintiff Linda Kajma filed this complaint alleging that Defendant IDS Property Casualty Ins Co/Ameriprise Auto & Home Ins breached its homeowner's insurance policy by failing to pay a claim for damage to her home. Plaintiff submitted a notice of assignment to business court claiming that the matter is a business or commercial dispute because "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." See MCL 600.8031(1)(c)(ii).

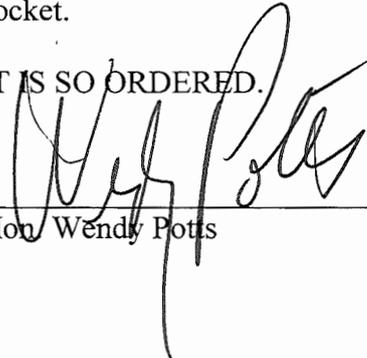
This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756 (2002). Subject matter jurisdiction is determined by the allegations in the pleadings. *Trost v Buckstop Lure Co, Inc*, 249 Mich App 580, 587-588; 644 NW2d 54 (2002).

Business court jurisdiction is limited to actions involving a “business or commercial dispute.” MCL 600.8035(3). The statute defines a business or commercial dispute as:

- (i) An action in which all of the parties are business enterprises.
- (ii) An action in which 1 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) An action in which 1 of the parties is a nonprofit organization, and the claims arise out of that party's organizational structure, governance, or finances.
- (iv) An action involving the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise. [MCL 600.8031(1)(c)]

There is no question that Defendant is a business enterprise as defined by MCL 600.8031(1)(b). However, the complaint has no factual allegations supporting Plaintiff's assertion that she is a present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of Defendant. Because Plaintiff is not business enterprise and is not in one of the relationships listed in MCL 600.8031(1)(c)(ii), this action does not involve a business or commercial dispute.

For all of these reasons, this action is excluded from Business Court jurisdiction and the Court orders the case reassigned to the general civil docket.

IT IS SO ORDERED.


Hon. Wendy Potts

Dated: **JAN 30 2015**