

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

**BARBARA WOLODKOWICZ,
Plaintiff,**

v.

**Case No. 16-153290-NF
Hon. James M. Alexander**

**AUTO CLUB INSURANCE ASSOCIATION,
Defendant.**

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On June 2, 2016, Plaintiff filed the present Complaint on allegations that Defendant has refused to make payments and pay benefits under the terms of Plaintiff's insurance policy. Plaintiff has not filed a Notice of Assignment to the Business Court in the case herein.

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)].

In the present action, Plaintiff has not provided any factual allegations to demonstrate that this matter would meet the definition of a “business or commercial dispute” as defined in MCL 600.8031(1)(c). As a result, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1).

Additionally, MCL 600.8031 excludes certain types of disputes from business court jurisdiction. Pertinent to this case, motor vehicle insurance coverage disputes are excluded from business court jurisdiction pursuant to MCL 600.8031(3)(1).

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.

This case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

June 16, 2016
Date

/s/ James M. Alexander
Hon. James M. Alexander, Circuit Court Judge