

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

COMERICA BANK,

Plaintiff,

v

Case No. 16-153293-CB
Hon. James M. Alexander

ALBERT HAKIM and
CITY EQUITY GROUP, INC.,

Defendants.

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OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On June 2, 2016, Plaintiff filed its “Complaint Supplementary to Judgment,” in which it seeks a judgment in the amount of \$105,550.00 against Defendants, jointly and severally. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to Business Court – claiming that this is a business or commercial dispute because “[i]t involves the sale, merger, purchase, combination, dissolution, liquidation, structure, governance, or finances of a business enterprise.” See MCL 600.8031(1)(c)(iv).

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)].

While this matter appears to fall within the definition of a business or commercial dispute under MCL 600.8031(1)(c)(i) or (iv), the statute excludes certain types of disputes from business court jurisdiction. Pertinent to this case, proceedings to enforce judgments of any kind are excluded from business court jurisdiction pursuant to MCL 600.8031(3)(i). Since this action “seeks recovery of a payment to Defendants, supplementary to the entry of a judgment in Case No. 15-149454-CB”, as asserted by Plaintiff, this action is expressly excluded from business court jurisdiction.

Thus, 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.

August 29, 2016
Date

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