

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

**GOLDCORP, INC.,
Plaintiff,**

v.

**Case No. 16-155480-CB
Hon. James M. Alexander**

**VAROUJAN M. BASMAJIAN and
ROSALIND BASMAJIAN,
Defendants.**

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On October 10, 2016, Plaintiff filed the present Complaint, alleging that Defendants have failed or refused to pay for the jewelry they purchased from Goldcorp, Inc. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court – claiming that this 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)].

In this case, Plaintiff has not provided any factual allegations within the Complaint to support the assertion that either Defendant is a business enterprise or a present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of Goldcorp, Inc. Plaintiff's sole contention here is that Defendants failed to pay for the jewelry they purchased.

The Court notes for the record that Plaintiff attaches multiple invoices to the Complaint that are addressed to Mike's Fine Jewelry. Yet, Plaintiff does not identify or reference Mike's Fine Jewelry in the Complaint. As written, Plaintiff's Complaint does not allege a business or commercial dispute as defined by MCL 600.8035(1) or as claimed by Plaintiff under MCL 600.8031(1)(c)(ii).

On October 26, 2016, the Court issued an Opinion and Order Regarding Business Court Jurisdiction, providing Plaintiff with an opportunity to amend the Complaint accordingly within ten (10) days from the date of that Opinion and Order or the case shall be excluded from business court jurisdiction.

Plaintiff has not amended the Complaint and 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). For this reason, the lawsuit is excluded from business court jurisdiction and the Court orders the case

reassigned to the general civil docket. The case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

November 8, 2016

Date

/s/ James M. Alexander

Hon. James M. Alexander, Circuit Court Judge