

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

CHIEF FINANCIAL F.C.U.,

Plaintiff,

v

Case No. 13-134393-CK
Hon. Wendy Potts

SEAN MOORE,

Defendant.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

JUN 21 2013

Plaintiff Chief Financial F.C.U. filed this complaint alleging that Defendant Sean Moore breached a promissory note by failing to make payments. Plaintiff also 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). Although the allegations in the complaint do not identify the relationship between the parties, Plaintiff appears to be relying on the fact that Defendant is or was a “member” of the Plaintiff credit union.

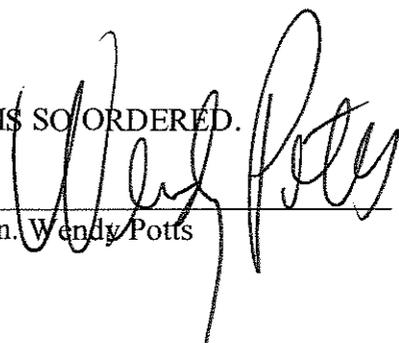
This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756 (2002). Business court jurisdiction is limited to actions involving a “business or commercial

dispute.” MCL 600.8035(3). This case is an action to collect on a consumer debt, not a business or commercial dispute. The fact that Defendant may be a “member” of Plaintiff’s credit union does not bring it within business court jurisdiction.

Because the statute does not define the meaning of the term “member,” the Court considers its plain meaning as well as its purpose in the statutory scheme. *Sun Valley Foods Co v Ward*, 460 Mich 230, 237; 596 NW2d 119 (1999). Statutory language must be read and understood in its context. *Sun Valley, supra*. With that in mind, MCL 600.8031(1)(c)(ii) refers to a “member” of a business enterprise along with terms such as “owner,” “shareholder,” “director,” and “officer.” Use of these terms indicates an intent to limit business court jurisdiction to actions involving persons who have a direct pecuniary stake in the profits or losses of a business, or rights or obligations in the management or internal organization of a business entity. Our Defendant does not fit within that definition.

Because Defendant is a not a member of Plaintiff within the meaning of the business court statute, this case does not fall within business court jurisdiction. As a result, the Court removes the case from the business court docket and orders the case reassigned to the general civil docket.

Dated: **JUN 21 2013**

IT IS SO ORDERED.


Hon. Wendy Potts