

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

BRMC EQUITIES, LLC,

Plaintiff/Counter-Defendant,

v

Case No. 2013-134695-CK
Hon. Wendy Potts

RUDY PATROS and HIND PATROS,

Defendants/Counter-Plaintiffs.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan
On

JUL 16 2013

Plaintiff BRMC Equities, LLC filed this complaint alleging that Defendants Rudy and Hind Patros breached personal guaranties of a debt owed by Rudy Patros' business Security Technologies, Inc. Plaintiff also submitted a notice of assignment to business court claiming that the matter is a business or commercial dispute because it involves "the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise." MCL 600.8031(1)(c)(iv). Defendants answered the complaint and filed a counterclaim alleging that Plaintiff's loan to Security Technologies is usurious and unenforceable and the debt was satisfied. The matter came before the Court on Defendants' emergency motion for a temporary restraining order.

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

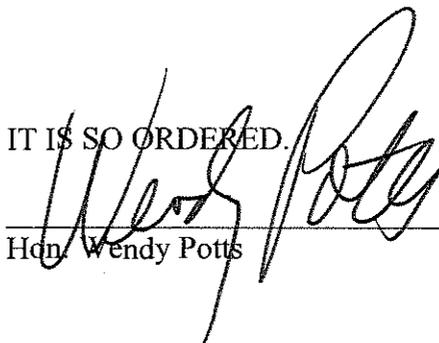
dispute.” MCL 600.8035(3). Plaintiff does not allege in the complaint how this dispute involves the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise, and thus fails to show that this case falls within business court jurisdiction. Because the Court lacks jurisdiction, it has no authority to address Defendants’ motion for injunctive relief. *Usitalo v Landon*, 299 Mich App 222, 228 (2012).

The Court removes the case from the business court docket and orders the case reassigned to the general civil docket.

Dated:

JUL 16 2013

IT IS SO ORDERED.



Hon. Wendy Potts