

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

CONGREGATION BETH SHALOM,

Plaintiff,

v

Case No. ~~14~~-138405-CK
Hon. Wendy Potts

CHURCH MUTUAL INS CO,

Defendant.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On
FEB 13 2014

Plaintiff Congregation Beth Shalom filed this complaint alleging that Defendant Church Mutual Insurance Company breached an insurance policy. Although the case was assigned to the General Civil Docket, on January 30, 2014, an order was entered assigning the case to Business Court. The assignment states that it is a business dispute because one of the parties is a nonprofit organization and the claims arise out of that party's organization structure, governance, or finance. See MCL 600.8031(1)(c)(iii).

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(c)]

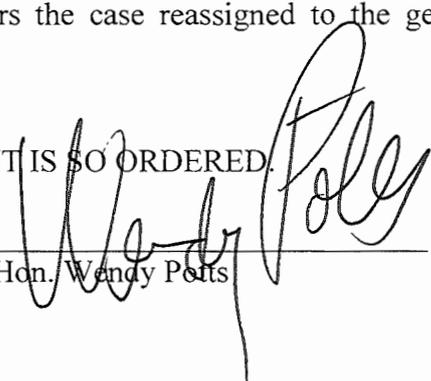
Although Plaintiff alleges that it is nonprofit organization, its claim arises from an insurance contract between the parties, not from Plaintiff's structure, governance, or finance. Further, Plaintiff is not a business enterprise because it is a religious organization. MCL 600.8031(1)(b).

Because the complaint does not allege a business dispute, the case is not properly assigned to the business court and the Court orders the case reassigned to the general civil docket.

Dated:

FEB 13 2014

IT IS SO ORDERED.



Hon. Wendy Poits