

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

ADVANCED STEEL COMPANY, et al,

Plaintiffs,

v

Case No. 2015-145471-CK  
Hon. Wendy Potts

THEODORE JOHN ELIA,

Defendant.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court  
Held in Pontiac, Michigan

On  
**FEB 13 2015**

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Plaintiffs Advanced Steel Company, Alexander Stewart, and Robert Stewart filed this complaint alleging that Defendant Theodore Elia obtained a loan from Plaintiffs under false pretenses. Plaintiffs submitted with their complaint a notice of assignment to 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).

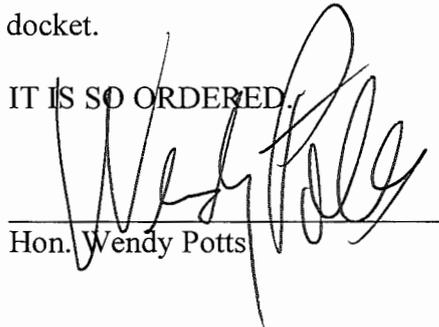
Business court jurisdiction is limited to actions involving a “business or commercial dispute.” MCL 600.8035(3). The statute defines a business or commercial dispute as:

- (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)]

Plaintiff Advanced Steel appears to be a business enterprise as defined by MCL 600.8031(1)(b), and Plaintiffs Alexander and Robert Stewart appear to fall under § 8031(1)(c)(ii) because they claim to be owners and directors of Advanced Steel. However, the complaint has no factual allegations supporting the assertion that Elia is a business enterprise or is a present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of Advanced Steel. Plaintiffs allege only that Elia is a neighbor and acquaintance of Alexander Stewart. Because Elia is neither a business enterprise nor a person in one of the relationships listed in MCL 600.8031(1)(c)(ii), this action does not involve a business or commercial dispute.

For all of these reasons, this action is excluded from Business Court jurisdiction and the Court orders the case reassigned to the general civil docket.

Dated: **FEB 13 2015**

IT IS SO ORDERED.  
  
Hon. Wendy Potts