

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

COMPLETE DIAGNOSTIC SERVICE, INC,

Plaintiff,

v

Case No. 15-148642-CB
Hon. Wendy Potts

MUHAMMAD MUNIR, M.D.,

Defendant.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

SEP 01st 2015

Plaintiff Complete Diagnostic Services, Inc. filed this complaint alleging that Defendant Muhammad Munir, M.D. breached an agreement to pay for Plaintiff's services. Plaintiff's incomplete notice of assignment to business court does not explain why this case falls under business court jurisdiction. See MCL 600.8031(1)(c).

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)]

Although Plaintiff appears to be a business enterprise as defined by § 8031(1)(b), Defendant is not a business enterprise, and Plaintiff has not alleged any facts from which the Court can conclude that Defendant is Plaintiff's present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor. § 8031(1)(c)(ii). Moreover, there are no allegations in the complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(i), (iii) or (iv).

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.

The case code will be changed to CK unless the parties stipulate otherwise.

Dated: SEP 01 2015

IT IS SO ORDERED

Hon. Wendy Potts

