

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

MLS GRAND, LLC,

Plaintiff,

v

Case No. 2015-149071-CB
Hon. Wendy Potts

JENNIFER FLOY-SIELAFF SULLIVAN,

Defendant.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On
SEP 24 2015

Plaintiff MLS Grand, LLC filed this Complaint, alleging that Defendant Jennifer Floy-Sielaff Sullivan breached her commercial lease guaranty by failing to honor her payment obligations. Plaintiff submitted with their Complaint a Notice of Assignment to the 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)].

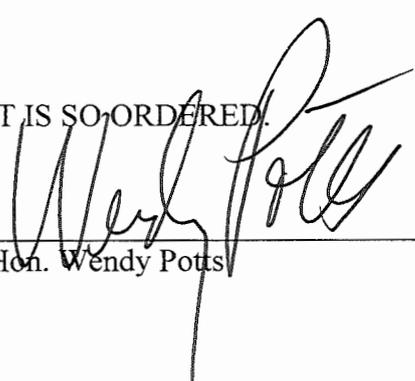
Plaintiff MLS Grand, LLC appears to be a business enterprise as defined by MCL 600.8031(1)(b). However, the Complaint has no factual allegations supporting the assertion that Defendant Jennifer Floy-Sielaff Sullivan is a business enterprise or is a present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of MLS Grand, LLC. Due to the fact that Defendant Jennifer Floy-Sielaff Sullivan 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.

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

Dated: **SEP 24 2015**

IT IS SO ORDERED.



Hon. Wendy Potts