

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

ICOM NORTH AMERICA, LLC,
Plaintiff,

v

CLEANFUEL USA, INC,
Defendant.

Case No. 2015-149873-CB
Hon. Wendy Potts

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On
DEC 22 2015

On October 28, 2015, Plaintiff filed its Affidavit and Notice of Entry of Foreign Judgment. On November 3, 2015, Plaintiff filed its Notice of Assignment to the Business Court, claiming that all of the parties are business enterprises under MCL 600.8031(1)(c)(i) and the dispute involves contractual agreements or other business dealings.

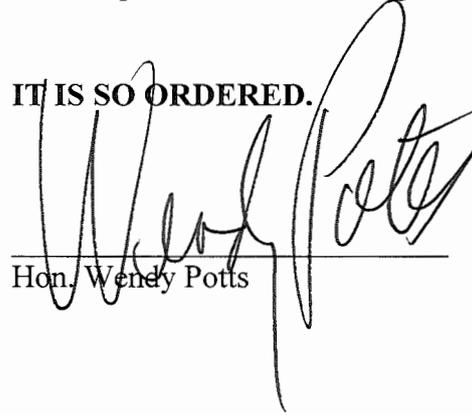
This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756 (2002). Subject matter jurisdiction is determined by the allegations in the pleadings. *Trost v Buckstop Lure Co, Inc*, 249 Mich App 580, 587-588; 644 NW2d 54 (2002).

Business court jurisdiction is limited to actions involving business or commercial disputes with certain exclusions, including but not limited to, "proceedings to enforce judgments of any kind." MCL 600.8031(3)(i). The Court finds that the matter herein constitutes a proceeding to enforce a foreign judgment and accordingly, this action does not qualify as a

business or commercial dispute as defined by MCL 600.8031. For this reason, this action is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket.

This case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Wendy Potts", is written over a horizontal line. The signature is cursive and somewhat stylized.

Hon. Wendy Potts

Dated: **DEC 22 2015**