

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

YVONNE LYNETTE MURRAY,

Plaintiff,

v

Case No. 2015-150160-CB
Hon. Wendy Potts

PHOENIX MEDICAL GROUP, P.C.,

Defendant.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On

~~MAY 19 2016~~

On November 12, 2015, Plaintiff filed the present Complaint on allegations that Defendant breached the parties' contract by failing to pay for certain consulting services rendered by Plaintiff. While the case was originally assigned to this Court, a Notice of Assignment to the Business Court was never filed.

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)].

In the present action, Plaintiff has not provided any factual allegations to support the contention that she is a present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of Defendant. Rather, the parties' Consulting Agreement identifies Plaintiff as an independent contractor. The Court observes that Plaintiff's relationship with Defendant as an independent contractor does not fall within the definition of a business or commercial dispute as set forth in MCL 600.8031(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). Thus, the Court finds that this action does not involve a business or commercial dispute as defined by MCL 600.8035(1).

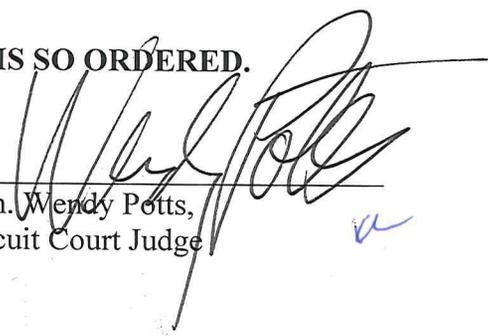
For all of these reasons, this action is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket.

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

Dated:

MAY 19 2016

IT IS SO ORDERED.



Hon. Wendy Potts,
Circuit Court Judge