

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

ISSMAT AWDISH aka LUKE AWDISH,

Plaintiff,

v

Case No. 2016-150954-CB  
Hon. Wendy Potts

STEVEN A. KUBICK and NEVER PAINT  
AGAIN COMPANIES, LLC.,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court  
Held in Pontiac, Michigan On  
JAN 14 2016

On January 8, 2016, Plaintiff Luke Awdish filed the present Complaint, alleging that Defendants have failed or refused to provide residential repairs as required under the parties' agreement. Plaintiff includes a notation within his Complaint that "[t]his action meets one or more of the requirements for Business Court jurisdiction, pursuant to MCL 600.8035."

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.

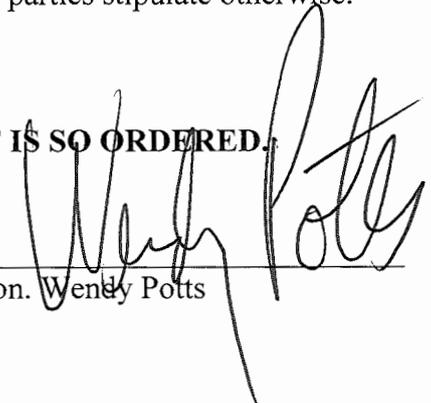
- (iii) An action in which 1 of the parties is a nonprofit organization, and the claims arise out of that party's organizational structure, governance, or finances.
- (iv) An action involving the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise. [MCL 600.8031(1)(c)].

In the present action, Plaintiff personally contracted with Defendant for the repair of his residence. As such, the Court finds that this action does not involve a business or commercial dispute as defined by MCL 600.8035(1) or MCL 600.8031(1)(c).

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.

**IT IS SO ORDERED.**

  
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Hon. Wendy Potts

Dated: **JAN 14 2016**