

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GOLDCORP, INC.,

Plaintiff,

v

SAMIR SALEH,

Defendant.

Case No. 2016-151087-CB
Hon. Wendy Potts

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
FEB 04 2016

On January 19, 2016, Plaintiff filed the present Complaint, alleging that Defendant has failed or refused to pay for the jewelry he purchased from Goldcorp, Inc. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court – claiming that the business or commercial dispute involves commercial transactions. Plaintiff does not designate in the Notice of Assignment, however, how this case qualifies as a business or commercial dispute under 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)].

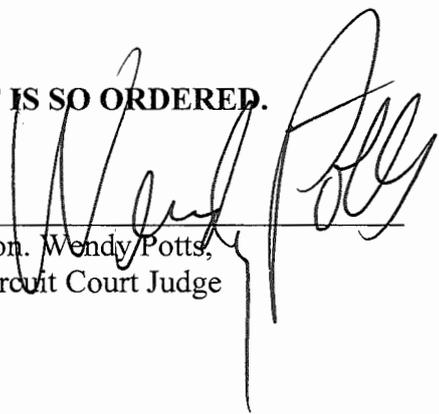
In the present action, Defendant personally or individually purchased jewelry from Plaintiff and subsequently failed to satisfy the debt due and owing to Plaintiff. As such, the Court finds that this action does not involve a business or commercial dispute as defined by MCL 600.8035(1) or MCL 600.8031(1)(c).

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.

Dated: FEB 04 2016

IT IS SO ORDERED.



Hon. Wendy Potts,
Circuit Court Judge