

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

**KATHERINE BAUSS,**

**Plaintiff,**

**v**

**Case No. 2016-151124-CB**

**Hon. Wendy Potts**

**PAUL SMITH, ABARIS HEALTH, PC,  
NORTH POINT PIONEER, INC., D/B/A Pioneer  
Counseling Center,**

**Defendants.**

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**OPINION AND ORDER RE: BUSINESS COURT JURISDICTION**

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

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On January 20, 2016, Plaintiff filed the present Complaint on allegations of conversion, breach of lease, and breach of contract. Plaintiff submitted with her 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)].

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 Defendants. Plaintiff was a patient of Defendant Paul Smith from 2008 through 2013. In December 2012, Plaintiff contracted with Defendants Abaris and North Point Pioneer to provide counseling services as an independent contractor. The Court observes that neither relationship falls within the definition of “business or commercial dispute” as set forth in MCL 600.8031(1)(c)(ii).

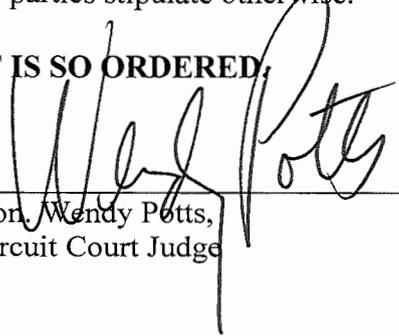
The Court finds that this action does not involve a business or commercial dispute as defined by MCL 600.8035(1) or as claimed by Plaintiff. Moreover, there are no allegations in the Complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(i), (iii) or (iv).

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.**

  
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Hon. Wendy Potts,  
Circuit Court Judge