

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SANDRA ARMSTEAD,

Plaintiff,

v

Case No. 2016-151735-CB

Hon. Wendy Potts

PATTI DERY,

Defendant.

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

At a session of Court  
Held in Pontiac, Michigan On

~~MAR 24 2016~~

On February 29, 2016, Plaintiff filed the present Complaint against Defendant on claims of defamation and intentional infliction of emotional distress. The Court notes that Plaintiff has not filed a Notice of Assignment to the Business Court. The Court observes further that Plaintiff's Complaint does not appear to comport with the general rules of pleading under the Michigan Court Rules.

In terms of business court jurisdiction, 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)].

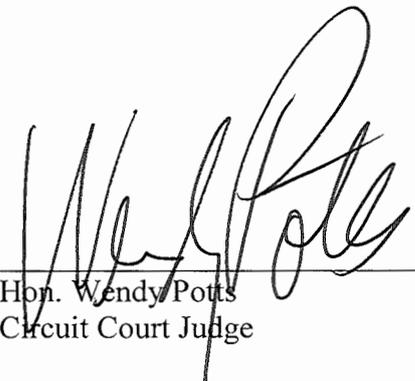
In the present action, Plaintiff has not provided any factual allegations to support the contention that this matter qualifies as a business or commercial dispute as defined under MCL 600.8031(1)(c). Rather, Plaintiff, in her individual capacity, has initiated litigation against an individual, namely Patti Dery.

As a result, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1). For this reason, this action is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket. Additionally, the case shall be coded CZ.

**IT IS SO ORDERED.**

Dated:

**MAR 24 2016**



Hon. Wendy Potts  
Circuit Court Judge