

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LaFONTAINE AUTOMOTIVE GROUP LLC,

Plaintiffs,

v

MYLES B. HOFFERT, et al,

Defendant.

Case No. 2016-152203-CB
Hon. Wendy Potts

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On

AUG 15 2016

Plaintiffs LaFontaine Automotive Group, LLC, filed this complaint alleging that Defendants, Myles B. Hoffert and Myles B. Hoffert & Associates, P.C., were negligent in their legal representation and services rendered relative to assessing, evaluating, filing, and pursuing property tax evaluations. Plaintiffs submitted with their complaint a notice of assignment to 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)]

Because Myles B. Hoffert Associates, P.C. is a business enterprise as that term is defined by MCL 600.8031(1)(b), the individual Defendant is a principal of Myles B. Hoffert Associates, P.C., and Plaintiff's claims arise out of the business relationship, the case appears to fall under business court jurisdiction. § 8081(1)(c)(ii).

However, the statute expressly excludes several types of actions, including claims for personal injury actions including, but not limited to, wrongful death and malpractice actions. MCL 600.8031(3)(a). Thus, LaFontaine's Complaint alleging malpractice is excluded from business court jurisdiction. Further, this action does not fall within any of the types of business court disputes listed in § 8031(2). Therefore, the Court concludes that LaFontaine's claims do not allege any business or commercial disputes.

Because the complaint does not allege a business dispute, the case is not properly assigned to the business court and the Court orders the case reassigned to the general civil docket.

IT IS SO ORDERED.

Hon. Wendy Potts

Dated: **AUG 15 2016**