

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

CITY CENTER PLAZA LIMITED PARTNERSHIP,

Plaintiff,

v

Case No. 2016-152676-CB
Hon. Wendy Potts

QUOC CONG LE., Individually,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
MAY 10 2016

On April 26, 2016, Plaintiff filed the present Complaint, seeking entry of a judgment against Defendant pursuant to a binding arbitration award. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court – claiming that “all of the parties are business enterprises” and the business or commercial dispute involves commercial transactions including commercial real property. See MCL 600.8031(1)(c)(i).

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 the individual Defendant, Quoc Cong Le, is a business enterprise as defined by MCL 600.8031(1)(b). As such, this matter does not meet the definition of a “business or commercial dispute” as defined in MCL 600.8031(1)(c)(i).

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) or as claimed by Plaintiff under MCL 600.8031(1)(c)(i). Furthermore, there are no allegations in the Complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(ii), (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.

This case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

Dated:

MAY 10 2016



Hon. Wendy Potts,
Circuit Court Judge