

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

TWICE BAKED, LLC,

Plaintiff,

v

Case No. 16-152735-CB
Hon. Wendy Potts

KENNETH L. GROSS, THAV, GROSS,
STEINWAY & BENNETT, d/b/a THAV
GROSS, P.C.,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On

~~MAY 10 2016~~

On April 28, 2016, Plaintiff filed its Complaint against Defendants on allegations that it has suffered damages on account of Defendants' legal malpractice and negligence. Plaintiff has raised the sole count of legal malpractice in its Complaint. While Plaintiff has not filed a Notice of Assignment to the Business Court, Plaintiff indicated on the Complaint that the case "meets the statutory requirements to be assigned to the Business Court."

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).

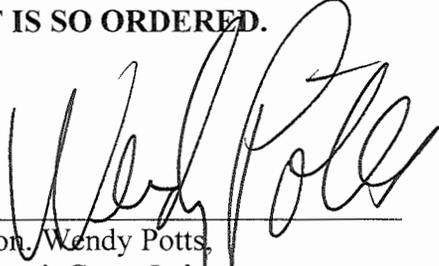
Business court jurisdiction is limited to actions involving a "business or commercial dispute." MCL 600.8035(3). Although this matter appears to fall within the definition of a

business or commercial dispute under MCL 600.8031(1)(c)(i), the statute excludes certain types of disputes from business court jurisdiction. Pertinent to this case, malpractice actions are excluded from business court jurisdiction pursuant to MCL 600.8031(3)(a).

Therefore, this matter 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.



Hon. Wendy Potts,
Circuit Court Judge

Dated: MAY 10 2016