

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

DAVID P. JANKOWSKI,

Plaintiff,

v

Case No. 2016-153038-CB
Hon. Wendy Potts

STEPHAN P. CUBBA,

Defendant.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
JUN 01 2016

On May 17, 2016, Plaintiff filed the present Complaint against Defendant in which he is seeking a judgment in the amount of \$199,485.32 as Defendant's equitable contribution toward the May 7, 2008 Sigma Realty judgments against both parties. The Court notes that Plaintiff has not filed a Notice of Assignment to the Business Court, however, Plaintiff designated that the case is "Business Court Eligible" on the face of the Complaint.

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)].

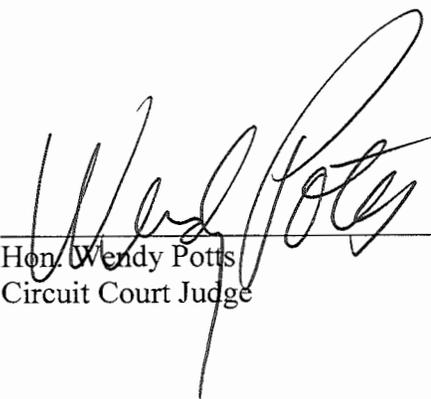
In the present action, Plaintiff has not provided any factual allegations to support the contention that this matter qualifies as a business or commercial dispute as defined under MCL 600.8031(1)(c). Rather, Plaintiff, in his individual capacity, has initiated litigation against an individual defendant,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

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.

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

IT IS SO ORDERED.

Dated: JUN 01 2016


Hon. Wendy Potts
Circuit Court Judge