

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

CHARLES CHOMET,

Plaintiff,

v

Case No. 2016-153951-CB
Hon. Wendy Potts

HERMIZ LEGAL, PLC and
MARK HERMIZ,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On

~~JUL 20 2016~~

On July 12, 2016, Plaintiff filed the present Complaint on allegations that Defendants have failed, neglected, and/or refused to pay Plaintiff the attorney fees to which he is entitled under the parties' January 17, 2015 Memorandum of Understanding. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to Business Court – claiming that all of the parties are business enterprises. 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)].

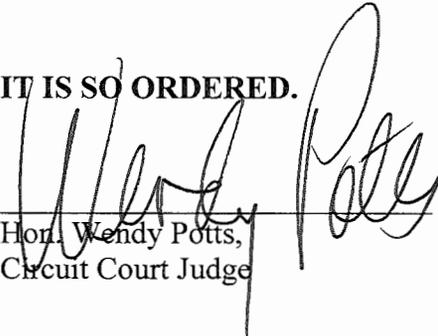
In the present action, Plaintiff has not provided any factual allegations to support the contention that he can be classified as any type of business entity set forth within the definition of a business enterprise under MCL 600.8031(1)(b). In the Complaint, Plaintiff alleges that he is “an individual and practicing attorney who resides and works in Oakland County, MI.” Thus, the Court finds that Plaintiff does not qualify as a business enterprise within the language and/or meaning of the statute.

As a result, this action does not constitute a business or commercial dispute as defined by MCL 600.8035(1) or as claimed by Plaintiff under MCL 600.8031(1)(c)(i). Accordingly, 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.

Dated: JUL 20 2016

IT IS SO ORDERED.



Hon. Wendy Potts,
Circuit Court Judge