

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

**MATTHIAS HORCH and
HORCH PROPERTIES, LLC,**

Plaintiffs,

v

**Case No. 2016-154329-CB
Hon. Wendy Potts**

SHALAWNDA HORCH,

Defendant.

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OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
SEP 15 2016

On August 1, 2016, Plaintiffs filed the present Complaint against Defendant for the primary purpose of obtaining a declaratory ruling regarding the validity and enforceability of the individual parties' marital agreement. Contemporaneous with the filing of the Complaint, Plaintiff filed 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).

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)].

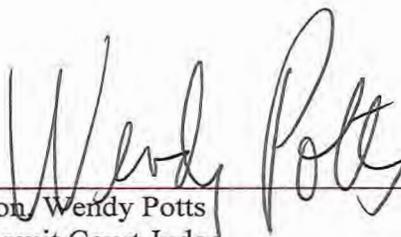
On September 2, 2016, the Court entered a Stipulated Order Dismissing Plaintiff Horch Properties, LLC, Only. Consequently, the remaining parties are individuals who are disputing the validity and enforceability of their marital agreement.

Therefore, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8031(1)(c)(ii) and 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.

The case code will be changed to CZ unless the parties stipulate otherwise.

IT IS SO ORDERED.

Dated: **SEP 15 2016**


Hon. Wendy Potts
Circuit Court Judge