

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

BAGLEY & LANGAN, P.L.L.C.,

Plaintiff,

v

Case No. 2016-155770-CB

Hon. Wendy Potts

QUINTINA LaSHAUN AUSTIN IRREVOCABLE
SPECIAL NEEDS TRUST, JOYA GARLAND, Trustee of the
Quintina LaShaun Austin Irrevocable Special Needs Trust, and
JOYA GARLAND, Guardian of Quintina LaShaun Austin,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan On
NOV 03 2016

On October 28, 2016, Plaintiff filed the present Complaint, alleging that Defendants have failed to provide payment for the attorney fees due and owing under the parties' contract or fee agreement. The Court observes that Plaintiff has not filed a Notice of Assignment to the Business Court in this matter.

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)].

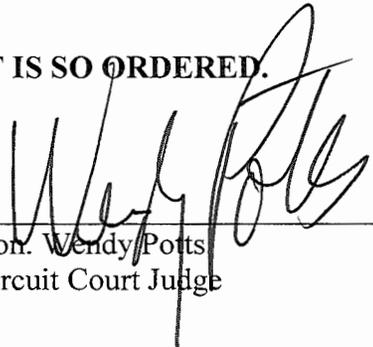
In the present action, Plaintiff has not provided any factual allegations to support the contention that Defendants can be classified as any type of business entity set forth within the definition of a business enterprise under MCL 600.8031(1)(b). See MCL 600.8031(1)(c)(i). In addition, Plaintiff has not provided any factual allegations to support the contention that any Defendant is a present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of Bagley & Langan, P.L.L.C. to qualify as a business or commercial dispute under MCL 600.8031(1)(c)(ii). No party has been identified as a nonprofit organization to fall within MCL 600.8031(1)(c)(iii) and the action does not involve the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise within the meaning of MCL 600.8031(1)(c)(iv).

As such, there are no allegations in the Complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(i), (ii), (iii) or (iv). Further, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1). For these reasons, 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.

Dated: NOV 03 2016

IT IS SO ORDERED.



Hon. Wendy Potts
Circuit Court Judge