

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

SONG YU and SANG CHUNG,

Plaintiffs,

No. 14-1421-CK

V

FARM BUREAU GENERAL INSURANCE
COMPANY OF MICHIGAN,

**ORDER RE: BUSINESS
COURT JURISDICTION**

Defendant.

At a session of said Court held in the City of Lansing,
County of Ingham, State of Michigan, on January 6,
2015.

PRESENT: Hon. Joyce Draganchuk
Circuit Judge

A two-count Complaint was filed in this case on December 18, 2014. Count I seeks declaratory relief and Count II alleges breach of contract. Plaintiffs are residential homeowners aggrieved by Defendant's refusal to cover their loss from water damage. Along with their Complaint, Plaintiffs filed a Notice of Assignment to the Business Court. The Notice indicates that this case is eligible for Business Court 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."

This case has been reviewed for Business Court eligibility and it is not eligible. MCL 600.8031(1)(c) 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.

The Plaintiffs in this action are individuals and not business enterprises under sub-paragraph (i). They are not former owners or individuals with any of the relationships stated in sub-paragraph (ii) above. Sub-paragraphs (iii) and (iv) do not apply.

The parties to the action do not meet the requirements of MCL 600.8031(1). If the parties to the action do not fall under MCL 600.8031(1), then the case does not meet the definition of "Business or commercial dispute."

The Business Court does not have jurisdiction in this case. The case shall be returned to the judge to whom it was originally assigned by blind draw.

IT IS SO ORDERED.

/s/
Hon. Joyce Draganchuk
Circuit Judge

PROOF OF SERVICE

I hereby certify that I served a copy of the above Order upon the attorneys/parties of record by placing said Order in sealed envelopes addressed to each and depositing same for mailing with the United States Mail at Lansing, Michigan, on January 6, 2015.

/s/

Michael G. Lewycky
Law Clerk/Court Officer