

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

**DANA MCALLISTER,
Plaintiff,**

v.

**Case No. 16-152646-CB
Hon. James M. Alexander**

**INTELLIGENT OFFICE TROY/ADAPTABLE
BUSINESS SOLUTIONS, INC, KAREN WILSON,
JOAN HAAKONSTAD, and ED DOE,
Defendants.**

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On April 22, 2016, Plaintiff filed the present Complaint against Defendants on allegations of breach of contract, defamation of character, negligence, unjust enrichment, and fraud. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the 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).

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). Despite her claim otherwise, Plaintiff is not a former owner,

manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of Intelligent Office Troy/Adaptable Business Solutions, Inc.

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) or as claimed by Plaintiff under MCL 600.8031(1)(c)(ii). Furthermore, there are no allegations in the Complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(i), (iii), or (iv).

For all of these reasons, 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 the parties file a stipulated order to change it otherwise.

IT IS SO ORDERED.

May 10, 2016
Date

/s/ James M. Alexander
Hon. James M. Alexander, Circuit Court Judge