

STATE OF MICHIGAN
MONROE COUNTY CIRCUIT COURT
38TH JUDICIAL CIRCUIT

Administrative Order 2013-02

PLAN FOR THE CREATION OF A SPECIALIZED BUSINESS COURT

IT IS ORDERED:

This local administrative order is issued in accordance with MCL 600.8031 et seq. It establishes a plan for a specialized business court in the 38th Judicial Circuit for the purposes outlined in MCL 600.8033(3). The business court has jurisdiction over business and commercial disputes as defined in MCL 600.8031(1)(c) in which the amount in controversy exceeds \$25,000.

1. Judicial Resources/Services: Judge Michael W. LaBeau

Judge Michael W. LaBeau has been appointed by the Michigan Supreme Court as a business court judge. Judge LaBeau's term expires 4/1/2019.

2. Cases Eligible for Assignment to the Business Court:

- a. Cases eligible to be assigned to the business court are identified in MCL 600.8031(2). They are defined as business or commercial disputes, and include any of the following:
 - i. Cases in which all of the parties are business enterprises.
 - ii. Cases in which 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.
 - iii. Cases in which one of the parties is a nonprofit organization and the claims arise out of that party's organizational structure, governance, or finances.

- iv. Cases involving the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise.
- b. Business or commercial disputes also include, but are not limited to, the following types of cases:
- i. Cases involving information technology, software, or website development, maintenance, or hosting.
 - ii. Cases involving the internal organization of business entities and the rights or obligations of shareholders, partners, members, owners, officers, directors, or managers.
 - iii. Cases arising out of contractual agreements or other business dealings, including licensing, trade secret, intellectual property, antitrust, securities, noncompete, nonsolicitation, and confidentiality agreements if all available administrative remedies are completely exhausted, including, but not limited to, alternative dispute resolution processes prescribed in the agreements.
 - iv. Cases arising out of commercial transactions, including commercial bank transactions.
 - v. Cases arising out of business or commercial insurance policies.
 - vi. Cases involving commercial real property.

3. Notice of Business and Commercial Disputes

If a case involves a business or commercial dispute as defined herein, a party shall file written notice with the party's initial pleading that the case meets the statutory requirements to be assigned to the business court. If a cross-claim, counterclaim, third-party complaint, amendment, or any other modification of the action includes a business or commercial dispute, a party shall file written notice with the parties pleading that the case meets the statutory requirements to be assigned to the business court.

4. Judicial Review of Pleadings:

A judge assigned to the business court shall review all pleadings in which a party has filed a notice of eligibility for assignment to the business court. The court clerk shall forward all such pleadings to the assigned judge. Cases that are excluded by MCL 600.8031(3) may be assigned to the business court if the assigned judge determines that it meets the statutory requirements of MCL 600.8035(3). Upon

motion of a party, the chief judge of the judicial circuit may review assignments under MCL 600.8035(7) to the business court docket. The ruling of the chief judge under this section is not appealable.

5. Case Assignment to Judges in the Business Court

- i. All business court cases shall be assigned to Judge Michael W. LaBeau as the business court judge, or his successor. Since this will not be by blind draw, the court clerk shall take appropriate steps to make sure that the overall docket remains in balance with other judges.
- ii. A case assigned to the business court judge may be reassigned by blind draw to another judge if the action ceases to include a business or commercial dispute.
- iii. A case that does not initially include a business or commercial dispute but that subsequently includes a business or commercial dispute as a result of a cross-claim, counterclaim, third-party complaint, amendment, or any other modification of the action, shall be re-assigned to the business court judge.

6. Docket Management:

An early scheduling conference will be held in all business court cases. Early facilitative mediation may be ordered by the Court if it determines that it would be helpful in reaching an early disposition of the dispute.

7. Technology

When the Court deems it appropriate, telephone conferencing may be utilized for the early scheduling conference and for consideration of possible early alternative dispute resolution.

8. Opinions

All written opinions shall be e-mailed to the State Court Administrative Office for publication on an indexed website.

9. Local Administrative Staff

The primary contact for the business court is Business Court Judge Michael W. LaBeau, or his successor, and his/her secretary.

Effective Date: July 1, 2013

Date:

April 26, 2013


MICHAEL W. LaBEAU
Chief Circuit Judge