

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

**TABATHA FERREBEE,**

**Plaintiff,**

**v**

**Case No. 2018-168277-CB**  
**Hon. James M. Alexander**

**AMERICAN PLASTIC TOYS, INC.,**

**Defendant.**

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**OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT**

On September 5, 2018, Plaintiff filed her Complaint against Defendant on allegations that Defendant breached the parties' employment agreement by summarily firing Plaintiff without a verbal warning or written corrections. The matter was originally assigned to the Honorable Shalina D. Kumar, who subsequently entered an Order of Assignment to the Business Court, indicating that the case qualifies as a business or commercial dispute pursuant to MCL 600.8031(1)(c)(ii). The lawsuit was then reassigned to the Business Court.

The Court observes that Plaintiff filed a Second Amended Complaint on January 22, 2019 in which she raises the following counts: (1) Breach of Employment Agreement by Defendant and Promissory Estoppel/Detrimental Reliance by Plaintiff; and (2) Retaliatory Discharge in Violation of Public Policy (MCL 408.476). On March 21, 2019, the Court entered a Stipulated Order Dismissing Count I With Prejudice and Setting Status Conference. As noted in the title of the Stipulated Order, the Court dismissed Plaintiff's Count I with prejudice. As a result, the only remaining claim by Plaintiff is her second count concerning retaliatory discharge.

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). Although this matter initially fell within the definition of a business or commercial dispute under MCL 600.8031(1)(c)(ii), the remaining claim of retaliatory discharge is excluded from business court jurisdiction.

Pursuant to MCL 600.8031(3)(p), business or commercial disputes expressly exclude “[w]rongful discharge, except for actions involving corporate officers or directors.” Since the remaining dispute concerns a claim of retaliatory discharge or wrongful discharge, the lawsuit no longer qualifies as a business or commercial dispute. A business court judge may reassign an action if that action ceases to include a business or commercial dispute. MCL 600.8035(5).

For this reason, the Court finds that this action is excluded from business court jurisdiction and the Court orders the case reassigned back to the general civil docket of the Honorable Shalina D. Kumar.

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

**IT IS SO ORDERED.**

April 12, 2019  
Date

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