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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SURESH RAMASAMY,

Plaintiff,

v

Case No. 2018-170308-CB
Hon. Martha D. Anderson

PARAG BAROT,
And BLISS HOME HEALTH CARE, PC,

Defendants.

_____ /

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On December 5, 2018, Plaintiff filed a Complaint on allegations that Defendants breached the terms of the parties' loan agreements by failing to make monthly reimbursement payments as required. The lawsuit was originally assigned to the Honorable Nanci J. Grant, however, Judge Grant entered an Order Transferring to Business Court on January 21, 2020 for the reason that the parties are now claiming that Plaintiff was an employee of the corporate Defendant.

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 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 of a limited liability company or a similar business organization, directors, officers, agents, employees, suppliers, guarantors of a commercial loan, 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. MCL 600.8031(1)(c).


In this matter, the Court observes that the original Complaint does not contain any allegations that Plaintiff was an employee of the corporate Defendant. While an Emergency Motion for Leave to Amend the Complaint¹ was filed by Plaintiff on January 15, 2020, it appears that the Emergency Motion had not been determined by Judge Grant prior to the case reassignment to Business Court.

Pursuant to MCL 600.8035(6), “[a]n action 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 must be reassigned by blind draw to a business court after the action is modified to include a business or commercial dispute as prescribed by the plan submitted under section 8033(1) or (2), as applicable.”

Respectfully, this case does not currently qualify for Business Court under MCL 600.8035(6) because Plaintiff has not been granted leave to file the First Amended Complaint and accordingly, Plaintiff has not in fact filed the First Amended Complaint. In consideration of the original Complaint only, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8031(1)(c) and MCL 600.8035(1). For these reasons, this action is excluded from business court jurisdiction and the Court orders the case to be re-coded CK and reassigned back to the Honorable Nanci J. Grant.

IT IS SO ORDERED.

1/28/2020
Date


Hon. Martha D. Anderson
Business Court Judge

¹ Plaintiff's proposed First Amended Complaint contains the allegation that Plaintiff was the employee of Defendant Bliss Home Health Care, PC.