

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

SOUND MANAGEMENT, INC.,

Plaintiff,

v

Case No. 2019-170794-CB
Hon. James M. Alexander

ANNIECE WARREN, IVE EDWARDS,
And GARFIELD GRAHAM,

Defendants.

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OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On January 2, 2019, Plaintiff filed the present Complaint on allegations including, but not limited to, Defendants’ false or reckless representations regarding the conversion of company funds and/or assets to purchase the Beach Road and 8 Mile properties. The Court observes that the company at issue is nonparty Beech Estates of Meadowbrook, LLC, of which Plaintiff and Defendants Warren and Graham are members. 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 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.” 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). 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, Plaintiff has not provided any factual allegations within the Complaint to support the premise that any Defendant is a present or former owner, manager, shareholder, member of a limited liability company or a similar business organization, director, officer, agent, employee, supplier, guarantor of a commercial loan, or competitor of Plaintiff for this case to qualify for business court jurisdiction under MCL 600.8031(1)(c)(ii). Rather, Plaintiff and Defendants Warren and Graham are members of Beech Estates of Meadowbrook, LLC, which has not been named as a party to this lawsuit. In addition, there are no allegations in the Complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(i) or (iii).

In its January 17, 2019 Opinion and Order Regarding Business Court Jurisdiction, the Court provided Plaintiff with an opportunity to file an Amended Complaint by Wednesday, January 30, 2019, or the case shall be excluded from business court jurisdiction and reassigned to the general civil docket.

Plaintiff has not amended the Complaint within the requisite time frame and 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). For this reason, the lawsuit is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket.

The case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

January 31, 2019
Date

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