

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LUONG DANG TRAN,

Plaintiff,

v

Case No. 2019-173811-CB

Hon. Martha D. Anderson

LE BANH MI ENTERPRISES, INC,
TO UYEN THI NGUYEN,
And TUAN T DO,

Defendants.

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On May 9, 2019, Plaintiff filed a Complaint against Defendants on allegations that Defendants breached the parties' written contract for the sale of the assets to Le Banh Mi Enterprises, Inc. 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). Accordingly, the matter was assigned to the Business Court. On July 11, 2019, however, Plaintiff dismissed Defendant Le Banh Mi Enterprises, Inc., the only named business enterprise, from the lawsuit.

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).

Currently, this lawsuit does not involve a business or commercial dispute as defined by MCL 600.8031(1)(c) and MCL 600.8035(1) since the remaining parties are all individuals. When a case no longer qualifies as a business or commercial dispute, a business court judge may reassign the action. MCL 600.8035(5).

Accordingly, the Court finds that this action is excluded from business court jurisdiction and the Court orders the case to be re-coded CZ and reassigned to the general civil docket.

IT IS SO ORDERED.

7/30/2019
Date



Hon. Martha D. Anderson
Chief Circuit Judge Pro Tem