

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

VISHAL NANDA,

Plaintiff,

v

Case No. 2019-174200-CB
Hon. Martha D. Anderson

WENDY GROULX, and
DEAN GROULX,

Defendants.

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On June 28, 2019, Plaintiff filed the present Complaint on allegations that Defendants have refused to provide financial information and tax information for Horse Power, LLC¹ as requested by Plaintiff and as required by the Operating Agreement. 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).

¹ Plaintiff alleges that Defendant Wendy Groulx and Plaintiff are the members of Horse Power, LLC.

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 case, Plaintiff has not provided any factual allegations within the Complaint to support the assertion that this action qualifies as a business or commercial dispute under any of the provisions set forth above. The Court notes that neither a business enterprise nor a nonprofit organization has been named in this lawsuit. Rather, the individual Plaintiff has initiated litigation against the individual Defendants on the claim that Defendants have breached the parties’ Operating Agreement.

As such, 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 coded CZ and assigned to the general civil docket.

IT IS SO ORDERED.

June 10, 2019
Date

/s/ Martha D. Anderson
Hon. Martha D. Anderson
Chief Circuit Judge Pro Tem