

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MAC AND COMPANY, LLC,

Plaintiff,

v

Case No. 2019-174364-CB

Hon. Martha D. Anderson

EMMANUEL-JEAN LUC CONSTANT,

Defendant.

_____ /

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On June 4, 2019, Plaintiff filed the present Complaint on allegations that Defendant has defaulted on his payment obligations under the parties' services 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). 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.

FILED Received for Filing Oakland County Clerk 6/24/2019 2:31 PM


- (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).

Here, Plaintiff has not provided any factual allegations within the Complaint to support the premise that all of the parties are business enterprises or that 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 either MCL 600.8031(1)(c)(i) or (ii). Rather, the individual Defendant hired Plaintiff as an independent contractor to perform business consulting and advisory services for Defendant.

Since Defendant is neither a business enterprise nor an individual in one of the relationships listed in MCL 600.8031(1)(c)(ii), this action does not involve a business or commercial dispute. Additionally, there are no allegations in the Complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(iii). 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 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.

6/24/2019
Date



Hon. Martha D. Anderson
Chief Circuit Judge Pro Tem