

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

NABIL BEYDOUN,

Plaintiff,

v

Case No. 2019-175666-CB
Hon. Martha D. Anderson

MUNA AFAN,

Defendant.

_____ /

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On August 5, 2019, Plaintiff filed the present Complaint on allegations including, but not limited to, Defendant’s breach of her fiduciary duty to Plaintiff as a member of nonparties Star Pain Management & Rehab LLC and Crown Procedure Center LLC by diverting business opportunities for personal gain to the detriment of those entities. Contemporaneous with the filing of the Complaint, Plaintiff filed a Notice of Assignment to the Business Court, however, Plaintiff does not indicate how this case qualifies as a business or commercial dispute under MCL 600.8031(1)(c).

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).


Here, Plaintiff has not provided any factual allegations within the Complaint to support the premise that any of the parties are business enterprises or non-profit organizations for this case to qualify for business court jurisdiction under MCL 600.8031(1)(c). The Court observes further that Plaintiff references the parties' jointly owned businesses in the Complaint and even seeks judicial dissolution of both Star Pain Management & Rehab LLC and Crown Procedure Center LLC. Yet, those business enterprises have not been named as parties, nor has the third member of the businesses, Frank Baydoun, been named by Plaintiff as a party. As written, Plaintiff's Complaint does not qualify as a business or commercial dispute under MCL 600.8031(1)(c) or as defined by MCL 600.8035(1).

In its August 14, 2019 Opinion and Order Regarding Business Court Jurisdiction, the Court provided Plaintiff with an opportunity to file an Amended Complaint by August 27, 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 to be coded CZ and reassigned to the general civil docket.

IT IS SO ORDERED.

9/4/2019
Date



Hon. Martha D. Anderson,
Chief Circuit Judge Pro Tem