

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

TRADEFIRST.COM, INC.,

Plaintiff,

v

Case No. 2019-176349-CB
Hon. James M. Alexander

JEFFREY YATOOMA,
And ELAINE YATOOMA,

Defendants.

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OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On September 4, 2019, Plaintiff filed the present Complaint against Defendants on allegations that Defendants conspired together to transfer the 2016 Bennington pontoon boat in an effort to thwart collection attempts by Plaintiff, which was awarded a judgment of \$71,017.07 against Defendants Jeffrey Yatooma and A Plus Painting, LLC in the case of *Tradefirst.com, Inc. v A Plus Painting, LLC and Jeffrey Yatooma*, case number 2017-161404-CB. While Plaintiff has not filed a Notice of Assignment to the Business Court in this matter, Plaintiff does indicate on the face of the Complaint that “[t]his is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.”

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).

Although this matter appears to fall within the definition of a business or commercial dispute under MCL 600.8031(1)(c)(i), the statute excludes certain types of disputes from business court jurisdiction.

Pursuant to MCL 600.8031(3)(i), business or commercial disputes expressly exclude cases concerning “[p]roceedings to enforce judgments of any kind, including supplementary hearings.” The Court observes that Plaintiff filed the present lawsuit in an attempt to enforce the \$71,017.07 judgment by seeking to set aside the transfer of the pontoon boat, mandating the sale of the pontoon boat, and collecting the proceeds from the sale as partial payment toward the existing judgment. Since this case is specifically excluded from business court jurisdiction under MCL 600.8301(3)(i), it is hereby ordered that the case shall be removed from the Business Court and reassigned to the general civil docket.

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

IT IS SO ORDERED.

September 18, 2019
Date

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