

FILED Received for Filing Oakland County Clerk 10/18/2019 9:57 AM

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GITA PANCHOLI,

Plaintiff,

v

Case No. 2019-177228-CB

Hon. Martha D. Anderson

SHRING HOME CARE INC., ET AL.,

Defendants.

_____ /

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On October 10, 2019, Plaintiff filed her Complaint on allegations that Defendants breached the terms of the parties’ retail lease agreement by failing to pay the monthly rent as required. 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:

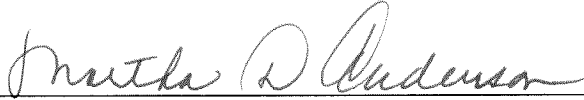
- (i) An action in which all of the parties are business enterprises.
- (ii) An action in which one or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members of a limited liability company or a similar business organization, 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, that Plaintiff 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 either Defendant business enterprise, or that one of the parties is a non-profit organization for this case to qualify for business court jurisdiction under MCL 600.8031(1)(c).

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 reassigned to the general civil docket.¹

IT IS SO ORDERED.

10/18/2019
Date



Hon. Martha D. Anderson
Chief Circuit Judge Pro Tem

¹ The Court takes note of Plaintiff's statement on the face of the Complaint that there is a lawsuit, namely Case Number 2019-171452-CZ, between the parties or other parties that arises out of the same transaction or occurrence that is currently pending before the Honorable Denise Langford Morris. That case was also removed from Business Court on February 6, 2019.