

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ERIC BRATTINGA,

Plaintiff,

v

Case No. 2019-178498-CB

Hon. James M. Alexander

AKANT DOSHI,

Defendant.

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**OPINION AND ORDER REGARDING BUSINESS COURT JURISDICTION**

On December 12, 2019, Plaintiff filed a Complaint for Fraudulent Business Conduct against Defendant on allegations that Defendant has breached the parties' business agreement as well as his fiduciary duty to Plaintiff as the co-owner of the parties' business known as Functional Physical Therapy, Inc. While Plaintiff has not filed a Notice of Assignment to the Business Court, Plaintiff indicates on the face of the Complaint that this matter qualifies as a business or commercial dispute as defined by MCL 600.8031(1)(c)(i).

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, the Court observes that Plaintiff, Eric Brattinga, and Defendant, Akant Doshi, are both individuals. As written, Plaintiff's Complaint does not qualify as a business or commercial dispute as defined by MCL 600.8031(1)(c) or MCL 600.8035(1). The Court is cognizant of Plaintiff's allegation that the parties jointly own the business enterprise known as Functional Physical Therapy, Inc. However, Functional Physical Therapy, Inc. has not been named as a party to this lawsuit.

The Court shall provide Plaintiff with an opportunity to file an Amended Complaint to comply with the applicable business court statutes, if warranted, by Thursday, January 16, 2020, or the case shall be excluded from business court jurisdiction and reassigned to the general civil docket.

**IT IS SO ORDERED.**

January 2, 2020  
Date

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