

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

CAPITAL HEALTHCARE, P.C.
(Saif Alansari),

Plaintiff,

v

Case No. 20-179418-CB
Hon. James M. Alexander

JAMES RIVER INSURANCE COMPANY,

Defendant.

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OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On February 3, 2020, this matter was transferred to the Oakland County Business Court from the 44th Judicial District Court for the reason that the lawsuit exceeds the jurisdictional limit of \$25,000.00. In its Complaint, Plaintiff has alleged that Defendant has failed or refused to pay Plaintiff its Personal Protection Insurance benefits or No-Fault benefits in relation to Saif Alansari’s medical treatment arising out of a motor vehicle accident.

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). 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)(1), business or commercial disputes expressly exclude “[m]otor vehicle insurance coverage under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.” Plaintiff’s claims arise out of motor vehicle insurance coverage and relate to personal protection insurance benefits, all of which are covered under MCL 500.3101, *et. seq.* Accordingly, this dispute is excluded from business court jurisdiction pursuant to MCL 600.8031(3)(1).

For these reasons, the Court removes this case from Business Court and orders that the matter be reassigned to the general civil docket. The case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

February 4, 2020
Date

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