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

THE MILLER LAW FIRM, P.C.,

Plaintiff,

v

Case No. 2020-180691-CB
Hon. Martha D. Anderson

CHRISTIE L. NORDHIELM,
THE BIG PICTURE PARTNERS, L.L.C.,
And THE BIG PICTURE PARTNERS REAL
ESTATE HOLDINGS, L.L.C.,

Defendants.

_____ /

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On April 7, 2020, Plaintiff filed its Complaint on allegations that Defendants have failed to pay their respective attorney fees for legal services rendered in prior cases. According to Plaintiff, Defendant Nordhielm has an unpaid balance of \$40,892.62 and Defendant companies, along with Defendant Nordhielm, have an unpaid balance of \$11,413.70.

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).

Pursuant to MCL 600.8035(1), “[a] business court has jurisdiction over business and commercial disputes in which equitable or declaratory relief is sought or in which the matter otherwise meets circuit court jurisdictional requirements.” Although this matter appears to fall within the definition of a business or commercial dispute under MCL 600.8031(1)(c)(i), the requirements of MCL 600.8035 must be met. The statute also provides that “[a]n action must be assigned to a business court if all or part of the action includes a business or commercial dispute.” MCL 600.8035(3).

Here, Plaintiff is seeking an amount in excess of \$25,000.00 against the individual Defendant in Counts One, Two, and Three. While the threshold amount is satisfied, Plaintiff has not provided any factual allegations within the Complaint to satisfy MCL 600.8031(1)(c)(i), (ii), or (iii) in relation to those particular claims for this case to qualify for business court jurisdiction.

Additionally, Plaintiff’s claims against Defendant companies only amount to \$11,413.70, which is below the \$25,000.00 “amount in controversy” threshold to meet circuit court jurisdictional requirements. Circuit court jurisdiction generally involves only claims seeking damages exceeding \$25,000.00.¹ See MCL 600.8301; MCL 600.605.

Since none of the counts in Plaintiff’s Complaint fall within the definition of a business or commercial dispute as defined by MCL 600.8031(1)(c) and MCL 600.8035(1), this case does not

¹ While Plaintiff’s Count Six is an Unjust Enrichment/Quantum Meruit claim, Plaintiff is only seeking monetary damages as its request for relief in relation to this particular claim. That is, Plaintiff is not seeking equitable relief against Defendant companies, but only monetary damages in the amount of \$11,413.70, exclusive of interest and costs.

qualify for business court jurisdiction. Accordingly, the Court hereby removes this action from the Business Court and orders the case to be coded CZ and reassigned to the general civil docket.

IT IS SO ORDERED.

4/15/2020
Date

/s/ Martha Anderson
Hon. Martha D. Anderson
Business Court Judge