

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

TIMOTHY LENNON,

Plaintiff,

v

Case No. 2020-181202-CB
Hon. James M. Alexander

EDWARD G. LENNON,

Defendant.

_____ /

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On May 12, 2020, the individual Plaintiff filed a Complaint against the individual Defendant on allegations that Defendant, as President of the recently dissolved David A. Lennon Foundation, Inc., has breached his fiduciary duties to Plaintiff and to the Foundation. The Court observes that Plaintiff has not filed a Notice of Assignment to the Business Court in this matter.

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 any of the parties are business enterprises or non-profit organizations for this case to qualify for business court jurisdiction under MCL 600.8031(1)(c) and MCL 600.8035(1). As such, this matter shall be excluded from business court jurisdiction.

For these reasons, this action is removed from Business Court and the Court orders the case to be coded CZ and reassigned to the general civil docket.

IT IS SO ORDERED.

May 21, 2020
Date

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