

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

GALLAGHER INVESTMENTS L.L.C.,

Plaintiff/Counter-Defendant,

No. 14-462-CK

v

**ORDER RE: BUSINESS
COURT JURISDICTION**

SPIRO VOUTSARAS and DIANA LYKOS
VOUTSARAS a/k/a DIANA M. VOUTSARAS,

Defendants/Counter-Plaintiffs,

SPIRO VOUTSARAS and DIANA LYKOS
VOUTSARAS a/k/a DIANA M. VOUTSARAS,

Third-Party Plaintiffs,

v

BYRON GALLAGHER, JR. a/k/a PAT GALLAGHER,
THE GALLAGHER LAW FIRM, PLC, and ACCORD
MANAGEMENT, LLC,

Third-Party Defendants.

At a session of said Court held in the City of Lansing,
County of Ingham, State of Michigan, on July 28, 2014.

PRESENT: Hon. Joyce Draganchuk
Circuit Judge

A Complaint for Deficiency Judgment was filed in this case on April 17, 2014.
Defendants subsequently filed a Counter Complaint and a Third Party Complaint, as

reflected in the caption of this case. On June 10, 2014, Plaintiff/Counter-Defendant filed a Motion to Determine Eligibility for the Business Court Docket. The motion states that the allegations in the Counter Complaint and Third Party Complaint bring the case within the definition of MCL 600.8031. A hearing was never held on the motion. Instead, a Stipulated Order Transferring Case to Business Court Docket was signed by Judge Canady on July 15, 2014.

A motion is not required to send a case to the Business Court docket. LAO 13-01 (Plan for Creation of a Specialized Business Court) provides that a Notice of Assignment to Business Court may be filed at any time. Filing the Notice allows the undersigned Business Court Judge to review the case for eligibility. This process is consistent with LAO 2014-03 (Case Assignment for Criminal and Civil Cases) and the long-standing practice in this Court of allowing only the judge who would receive the case on re-assignment to sign a re-assignment order.

This case has been reviewed for Business Court eligibility and it is not eligible. MCL 600.8031(1)(c) defines a “Business or commercial dispute” as:

- (i) An action in which all of the parties are business enterprises.
- (ii) An action in which 1 or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members, directors, officers, agents, employees, suppliers, 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.

- (iv) An action involving the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise.

The Defendants/Counter-Plaintiffs and Third-Party Plaintiffs in this action are individuals not business enterprises under sub-paragraph (i). They are not former owners or individuals with any of the relationships stated in sub-paragraph (ii) above. This action is not one involving a sale or merger, or any of the actions described in sub-paragraph (iv) above. Sub-paragraph (iii) does not apply.

While it is true that the type of action is the type that is suitable for Business Court under MCL 600.8031(2), the parties to the action do not meet the requirements of MCL 600.8031(1). If the parties to the action do not fall under MCL 600.8031(1), then the case does not meet the definition of "Business or commercial dispute."

The Business Court does not have jurisdiction in this case. The case shall be returned to the Judge to whom it was originally assigned by blind draw.

IT IS SO ORDERED.

/S/

Hon. Joyce Draganchuk
Circuit Judge

PROOF OF SERVICE

I certify that I served a copy of the above Order upon the parties/attorneys of record by placing said copy in a sealed envelope addressed to each and depositing same for mailing with the United States Mail at Lansing, Michigan, on **July 28, 2014**.

/S/_____
Michael G. Lewycky
Law Clerk/Court Officer