

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

WARREN DIMICK, an individual,

Plaintiff,

No. 15-464-NM

v

**ORDER RE: BUSINESS  
COURT JURISDICTION**

GENE F. TURNWALD, an individual,  
and GENE F. TURNWALD, P.C., a  
Michigan professional service corporation,

Defendants.

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At a session of said Court held in the City of Lansing,  
County of Ingham, State of Michigan, on June 17,  
2015.

PRESENT: Hon. Joyce Draganchuk  
Circuit Judge

A three-count (unnumbered) Complaint was filed in this case on June 11, 2015. Counts I and II allege professional malpractice and Count III alleges breach of contract. Plaintiff is an individual aggrieved by the legal representation he received from Defendants when he sold his limited liability company to another individual. Along with his Complaint, Plaintiff filed a Notice of Assignment to the Business Court. The Notice indicates that this case is eligible for Business Court 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, directors, officers, agents, employees, suppliers, or competitors, and the claims arise out of those relationships.”

This case has been reviewed for Business Court eligibility and it is not eligible. The Plaintiff in this action is an individual previously engaged in a business enterprise, but he is not and was not an owner, manager, shareholder, member, director, officer, agent, employee, supplier or competitor of Defendant professional service corporation, as required by MCL 600.8031(1)(c).

Moreover, this case is a malpractice claim, alleged as such and case coded (NM) as such. MCL 600.8031(3)(a) provides that notwithstanding eligibility as a business or commercial dispute, malpractice actions are specifically excluded from the jurisdiction of Business Court.

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/

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Hon. Joyce Draganchuk (P39417)  
Circuit Judge

#### **PROOF OF SERVICE**

I hereby certify that I served a copy of the above Order upon the attorneys/parties of record by placing same in sealed envelopes addressed to each and depositing them for mailing with the United States Mail at Lansing, Michigan, on **June 17, 2015**.

/s/

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Michael G. Lewycky  
Law Clerk/Court Officer