

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

ADAMS OUTDOOR ADVERTISING,  
Limited Partnership,

Plaintiff,

V

TODD TARR and SHIRLEY BUCHNER,

Defendants.

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No. 19-39-CK

**ORDER REMOVING CASE  
FROM BUSINESS COURT**

At a session of said Court held in Lansing,  
Ingham County, Michigan, on January 22, 2019

PRESENT: Honorable Joyce Draganchuk  
Circuit Judge

A Complaint was filed on January 16, 2019 along with a Notice of Assignment to Business Court. The Notice of Assignment indicated the sole basis for assigning this case to Business Court was that it was a dispute involving commercial real property.

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, unless the only claims asserted are expressly excluded under subsection (3).
- (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 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.

The Defendants 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. 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.<sup>1</sup>

/S/

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Hon. Joyce Draganchuk  
Circuit Judge (P39417)

### PROOF OF SERVICE

I hereby certify that I served a copy of this Order upon the attorneys of record by placing said document in sealed envelopes addressed to each and depositing same for mailing with the United States Mail at Lansing, Michigan, on January 22, 2019.

/S/

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Michael Lewycky  
Law Clerk/Court Officer

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<sup>1</sup>Plaintiff's counsel is also counsel on *Nuseibeh v Baldino*, Case File No. 18-744-CB. The Nuseibeh case was also incorrectly designated as a Business Court case for the same reason this case was incorrectly designated, but the *Nuseibeh* case had already been assigned to the undersigned judge by blind draw so it was not re-assigned. The within case was assigned to Judge Wanda Stokes by blind draw and must remain with her.