

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON**

CHARLES and CATHERINE JONES
Plaintiffs,

Case No. 20-30630-CB
Hon. Michael P. Hatty

v.

JOE MURRAY AND JOE MURRAY
CONTRACTING, LLC,
Defendants,

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

At a session of the 44th Circuit Court,
held in the City of Howell, Livingston County,
on the 28th day of January, 2020

Plaintiffs filed this Complaint on January 22, 2020 on allegations that Defendants breached the terms of the parties' agreement by failing to properly perform work, specifically maintenance and alteration at Plaintiffs' residence, in accordance with the agreement. Plaintiffs also allege that Defendants converted certain funds related to said agreement. Contemporaneous with the filing of the Complaint, Plaintiffs also submitted a proposed summons wherein it was alleged that this matter is "a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035." However, the Complaint did not contain a verification required under MCR 2.112(O)(1) with regard to business or commercial disputes.

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:

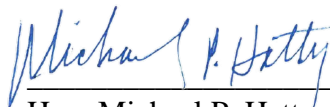
- (i) An action in which all of the parties are business enterprises, unless the only claims asserted are expressly excluded under subsection (3).

- (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.

MCL 600.8031(1)(c).

Here, Plaintiffs have not provided any factual allegations within the Complaint to support the premise that all of the parties are business enterprises; that Plaintiffs are a present or former owner, manager, shareholder, member of a limited liability company or a similar business organization, director, officer, agent, employee, supplier, guarantor of a commercial loan, or competitor of Defendants Joe Murray or Joe Murray Contracting, LLC; or that one of the parties is a non-profit organization for this case to qualify for business court jurisdiction under MCL 600.8031(1)(c). As a result, this Court finds that this action does not qualify as a business or commercial dispute as provided by MCL 600.8035(1). For these reasons, and pursuant to MCL 600.8035(5), as well as the Local Administrative Order dated March 14, 2019, this action is excluded from business court jurisdiction and the Court orders the case to be coded CZ and reassigned to the general civil docket.

IT IS SO ORDERED.



Hon. Michael P. Hatty
Circuit Court Judge