

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

SAMUEL J. SESI,

Plaintiff,

v

Case No. 15-146735-CZ
Hon. Wendy Potts

JESSICA ZAMARRON, et al,

Defendants.

OPINION AND ORDER RE: BUSINESS COURT JURISDICTION

At a session of Court
Held in Pontiac, Michigan

On
SEP 11 2015

Plaintiff Samuel Sesi filed this complaint in pro per in Wayne County Circuit Court alleging that he invested in Defendant Jessica Zamarron's business ventures and that Zamarron and the Defendant companies committed fraud, defamation, and extortion. Defendants moved for a change of venue to Oakland County, which the Wayne Circuit Court granted. The case was initially assigned the general civil docket, however, it was reassigned to the business court on the ground that it met the criteria of MCL 600.8031(1)(c)(ii) and (iv).

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 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. [MCL 600.8031(1)(c)]

Although some of the Defendants appear to be business enterprises as defined by §8031(1)(b), Plaintiff is not a business enterprise. §8031(1)(c)(i). Although Plaintiff claims to be an investor in the Defendant companies, he has not alleged that he is a present or former owner, manager, shareholder, member, director, officer, agent, employee, supplier, or competitor of Defendants. §8031(1)(c)(ii). Plaintiff also does not allege that this action involves the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise. §8031(1)(c)(iv). Moreover, there are no allegations in the complaint from which the Court could conclude that jurisdiction is proper under § 8031(1)(c)(iii).

For all of these reasons, this action is excluded from Business Court jurisdiction and the Court orders the case reassigned to the general civil docket.

IT IS SO ORDERED.

Dated:

SEP 11 2015

Hon. Wendy Potts