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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Wells Fargo Bank, N.A.,

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No. CV08-8014 PCT DGC

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Plaintiff,

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ORDER

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vs.

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Mary Lou Boone, et al.,

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Defendant.

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Plaintiff Wells Fargo Bank, N.A. has filed a Motion to Deposit Funds and Discharge.

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Dkt. #3. The motion seeks the Court’s permission, pursuant to Rule 67 of the Federal Rules

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of Civil Procedure, to deposit funds with the Court. The motion states that Defendants are

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engaged in a dispute over control of the San Juan Southern Paiute Tribe and are asserting

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conflicting claims to the funds in Plaintiff’s possession. Plaintiff seeks to deposit the funds

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with the Court and obtain a discharge from further liability. Dkt. #3.

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Rule 67(a) states that a party may deposit funds with the Court “on notice to every

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other party and by leave of court.” Plaintiff’s motion contains no indication that it has been

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served on Defendants, and the Court’s docket contains no indication that the Complaint for

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Interpleader (Dkt. #1) has been served on Defendants. Although the motion includes a letter

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from Plaintiff’s counsel to various attorneys purporting to reflect an agreement that the funds

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would be deposited with the Court, the letter predated the filing of this action and the motion,

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1 and Plaintiff provides no other evidence that it has provided notice of the motion as expressly
2 required by Rule 67(a).

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Deposit Funds and Discharge
4 (Dkt. #3) is **denied**.

5 DATED this 8th day of February, 2008.

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David G. Campbell
United States District Judge