JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-03150-RGK (OPx)	Date	May 7, 2012
Title	WELLS FARGO BANK NA v. EDWARD DEREK SCHAPER		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE	
Sharon L. Williams	Not Reported	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
Not Present	Not Present

Proceedings: **(IN CHAMBERS) Order Re: Dismissing Case for Lack of Subject Matter Jurisdiction**

On April 11, 2012, Wells Fargo Bank ("Plaintiff") filed the present action for breach of promissory note against Edward Derek Schaper ("Defendant") in this Court. Plaintiff bases jurisdiction on diversity of citizenship as provided for by 28 U.S.C. § 1332.

Federal jurisdiction based on diversity of citizenship requires that all parties to the action are completely diverse in citizenship, and that the amount in controversy exceeds $75,000. 28 U.S.C. § 1332. National banks are citizens of "the States in which they are respectively located." 28 U.S.C. § 1348. In *Wachovia Bank v. Schmidt*, 546 U.S. 303 (2006), the Supreme Court held that the term "located" in § 1348 includes at least the state of the bank's primary office as listed in its articles of association, but does not include every state in which the bank had a branch office. The Court left unanswered the question of whether the "located" also includes the state in which the bank has its primary place of business. *Schmidt*, 546 U.S. at 315 n.8. This Court finds that based on the legislative history of the jurisdiction and citizenship statutes, that a national bank is located, and therefore a citizen for purposes of diversity jurisdiction, in the state of its articles of association and the state of its primary place of business. Therefore, Plaintiff is a citizen of both South Dakota and California. Complete diversity is lacking between the parties and jurisdiction is not proper in this Court.

For the foregoing reasons, the above-entitled case is **DISMISSED** for lack of subject matter jurisdiction.

IT IS SO ORDERED.

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