

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 12-9212 CAS (AJWx)	Date	December 13, 2012
Title	PEACEFUL VIEW PROPERTIES, LLC ET AL. V. BANK OF AMERICA, N.A. ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER
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Catherine Jeang	Not Present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants	
Not Present	Not Present	

Proceedings: (In Chambers:) PLAINTIFF'S MOTION TO REMAND CASE TO SANTA BARBARA SUPERIOR COURT (Docket #19, filed November 19, 2012)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of December 17, 2012 is vacated, and the matter is hereby taken under submission.

I. INTRODUCTION

Plaintiffs filed the instant action in Santa Barbara Superior Court on September 19, 2012. On October 26, 2012, defendant Bank of America removed the case to this Court. Plaintiffs' complaint alleges claims for breach of the covenant of good faith and fair dealing, unjust enrichment, and wrongful foreclosure.

On November 19, 2012, plaintiffs filed a motion to remand the case to Santa Barbara Superior Court. Defendant Bank of America, N.A. ("Bank of America") filed an opposition on November 26, 2012, and defendant Travelers Indemnity Company joined Bank of America's motion on November 29, 2012. Plaintiffs replied on December 3, 2012. Plaintiffs' motion is before the Court.

II. DISCUSSION

Plaintiffs do not deny that diversity jurisdiction exists in this case. Instead, plaintiffs argue that Bank of America's notice of removal was improper because it did not explicitly state that North Carolina was the location of its main office "as specified in its

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articles of association.” Plaintiffs recognize that the notice of removal did state that Bank of America’s “main office” was located in North Carolina, but argue that the notice of removal was nonetheless deficient because it did not state verbatim that Bank of America’s articles of association specified that North Carolina was the location of its main office.

The Court rejects this argument. Pursuant to 28 U.S.C. § 1446(a), a notice of removal must contain “a short and plain statement of the grounds for removal.” Bank of America’s notice of removal stated that it is a citizen of North Carolina by virtue of the fact that its “main office” is located there, and under Wachovia Bank v. Schmidt, 546 U.S. 303, (2006), the location of a national bank’s “main office” determines its citizenship for purposes of diversity jurisdiction. Id. at 318. Consequently, a fair reading of the notice of removal in light of Schmidt yields the conclusion that Bank of America’s “main office” is “located” in North Carolina because the articles of association specify this fact. Bank of America’s notice of removal therefore satisfies the “short and plain statement” requirement in § 1446.

III. CONCLUSION

In accordance with the foregoing, plaintiffs’ motion to remand is DENIED.

IT IS SO ORDERED.

Initials of Preparer 00 : 00
CMJ