

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 12-01237 DMG (OPx)** Date August 13, 2012

Title ***Saic Rojas v. America's Servicing Company, et al.*** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

VALENCIA VALLERY

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE REMANDED TO RIVERSIDE COUNTY SUPERIOR
COURT**

On July 30, 2012, Defendants Wells Fargo Bank, N.A., U.S. Bank, N.A., and Mortgage Electronic Registration Systems, Inc. removed this action from state court on the basis of diversity jurisdiction, 28 U.S.C. § 1332(a).

Relying on *Wachovia Bank v. Schmidt*, 546 U.S. 303, 126 S.Ct. 941, 163 L.Ed.2d 797 (2006), Defendants assert that Wells Fargo, a national banking association, is solely a citizen of the state in which its main headquarters are located. (Notice of Removal at 3 [Doc. # 1].) Thus, Defendants maintain that Wells Fargo is solely a citizen of South Dakota because its main office is in Sioux Falls, South Dakota. (*Id.*) *Schmidt*, however, expressly declined to hold that a national banking association's citizenship is limited to the state in which its main office is located as set forth in its articles of association. 546 U.S. at 315 n.8.

On January 13, 2012, this Court issued a decision in *Rouse v. Wachovia Mortgage, FSB*, No. CV 11-00928 DMG (DTBx), 2012 WL 174206, 2012 U.S. Dist. LEXIS 6962 (C.D. Cal. Jan. 13, 2012) [Doc. # 43], in which it found that because Wells Fargo's principal place of business is in California, it is also a citizen of the state of California. The Court thereupon remanded the case to state court. Given that Plaintiff is also a California citizen (*see* Notice of Removal at 3) and pursuant to this Court's reasoning in *Rouse*, it appears that the parties are not completely diverse.

Therefore, Defendants are **ORDERED TO SHOW CAUSE** why this action should not be remanded for lack of subject matter jurisdiction. Defendants shall file their response on or before **August 20, 2012**. All deadlines are stayed pending resolution of the jurisdictional issue.

IT IS SO ORDERED.