

REMAND/JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 19-1524-GW-KKx	Date	October 7, 2019
Title	<i>Rudy Ramirez, et al. v. Wells Fargo Bank, N.A., et al.</i>		

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez

None Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

PROCEEDINGS: IN CHAMBERS - ORDER

Plaintiffs Rudy and Sandra Ramirez as pro pers filed the present lawsuit in the California Superior Court, County of Riverside against Defendants Wells Fargo Bank, Wachovia Mortgage, World Savings Bank and Barrett Daffin Frappier Treder & Weiss, LLP (“Barrett”) alleging causes of action for: 1) violation of Cal. Civ. Code § 2923.5; 2) violation of Cal. Civ. Code § 2923.6; 3) Quiet Title; 4) Cancellation of Instrument; and 5) violation of Cal. Bus. & Prof. Code § 17200. *See* Docket No. 1-1. Barrett is named as a defendant in the third and fourth causes of action. *Id.* Plaintiffs allege that Barrett “acting at the behest of Defendant Wells Fargo, recorded a Notice of Trustee Sale” and that “Plaintiffs are seeking for the sale date to be cancelled and to be taken in consideration for an approval of a loan modification.” *Id.* at ¶¶ 18, 20. While recognizing that certain members of Barrett were California citizens, Wells Fargo nevertheless removed the matter to federal court on the basis of diversity contending that Barrett could be ignored because it was a fraudulently joined defendant. *See* Docket No. 1 at 5-7.

Wells Fargo filed a motion to dismiss. *See* Docket No. 7. This Court considered that motion, but initially found that there was an issue as to subject matter jurisdiction because it appeared that Barrett was not a fraudulently joined defendant. *See* 9/30/2019 Tentative Ruling, Docket No. 15. The issues were argued at the hearing on the motion and the matter was taken under submission. *Id.*

After considering the arguments of counsel, the Court adopts its tentative ruling as its final decision on the issue of alleged fraudulent joinder finding that Barrett has *not* been fraudulently joined and, hence, this Court lacks subject matter jurisdiction over this action. Therefore, the case is ordered remanded back to state court forthwith.

Initials of Preparer JG