

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 12-1812 JVS (MLGx) Date December 4, 2012

Title Salvatore Tomasello v. Wells Fargo Bank N.A., et al.

Present: The James V. Selna
Honorable

Karla J. Tunis
Deputy Clerk

Not Present
Court Reporter

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: (IN CHAMBERS) Order to Show Cause re Jurisdiction

Plaintiff is ordered to show cause in writing within ten days why the case should not be dismissed for lack of jurisdiction. In addition, plaintiff shall state the citizenship of each party to the action.

Although plaintiff nominally invokes 28 U.S.C. §§ 1331,1343, 15 U.S.C. § 1692, 12 U.S.C. § 2605, and 42 U.S.C. § 1983 (Complaint, ¶ 12), no claim is asserted that would arise under any of these statutes.

With respect to diversity jurisdiction under 28 U.S.C. § 1332, the Court has previously determined and Well Fargo Bank N.A. (“Wells Fargo”) has conceded in prior litigation that Wells Fargo is a citizen of California. E.g., Uriarte v. Wells Fargo Bank, N.A., No. 11-cv-2082-IEG (WVG), 2011 WL 5295285, at *1 n.2 (S.D. Cal. Nov. 3, 2011) (“Wells Fargo does not contest that its principal place of business is in San Francisco, California.”); Mount v. Wells Fargo Bank, N.A., No. CV 08-6298 GAF (MANx), 2008 WL 5046286, at *1 (C.D. Cal. Nov. 24, 2008) (noting that Wells Fargo “has regularly described its principal place of business as San Francisco, California”); Mania Bakhtavar v. Wells Fargo Bank, N.A. et al., SACV 12-01330 JVS (JPRx), Docket No. 8, pp. 1-2. If Wells Fargo is a citizen of California, then this Court has no subject matter jurisdiction because there is not complete diversity between the parties.

With respect to the declaratory relief statutes, 28 U.S.C. § 2201, “a case of a actual controversy within [the Court’s] jurisdiction” must first appear, and none does.

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The Motion to Dismiss, presently scheduled to heard on December 17, 2012, will be held in abeyance pending the Court's disposition of this order to show cause.

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