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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

BRANDI WIER, et al.,  
Plaintiffs,

v.

CHASE BANK NATIONAL  
ASSOCIATION, et al.,  
Defendants.

Case No. [16-cv-05367-NJV](#)

**ORDER DISMISSING DEFENDANT  
QUALITY LOAN SERVICE  
CORPORATION**

Defendant JPMorgan Chase Bank, N.A. (“Chase”), erroneously sued as Chase Bank National Associations, removed this action from Superior Court of California, County of Del Norte under 28 U.S.C. § 1332(a), asserting complete diversity of the parties. *See* Notice of Removal (Doc. 1) at 2. In asserting complete diversity of the parties, Chase acknowledged that Defendant Quality Loan Service Corporation (“Quality”) is, along with Plaintiffs, a citizen of the state of California, but that Quality is a nominal defendant that was fraudulently joined and that the Complaint states no cause of action against Quality. *Id.* at 3-6.

Plaintiffs have not timely moved for remand. *See* 28 U.S.C. § 1447(c). Thus, the court finds that Plaintiffs have conceded that Quality was fraudulently joined and that the Complaint states no cause of action against Quality.

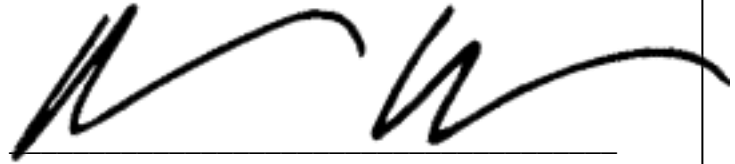
“[T]he district court ha[s] a duty to establish subject matter jurisdiction over [a] removed action *sua sponte*, whether the parties raise[] the issue or not.” *United Inv’rs Life Ins. Co. v. Waddell & Reed Inc.*, 360 F.3d 960, 967 (9th Cir. 2004). In light of Plaintiffs’ concessions, by not challenging removal, the court finds that Quality was fraudulently joined and that the court has subject matter jurisdiction over this case.

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Accordingly, Defendant Quality Loan Service Corporation is hereby DISMISSED from this action without prejudice.

**IT IS SO ORDERED.**

Dated: March 3, 2017



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NANDOR J. VADAS  
United States Magistrate Judge