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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

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8 JUAN MANUEL VARGAS, et al.,  
9 Plaintiffs,  
10 v.  
11 WELLS FARGO BANK N.A., et al.,  
12 Defendants.

Case No. 12-cv-02008-JST

**ORDER TO SHOW CAUSE RE: LACK  
OF SUBJECT MATTER  
JURISDICTION AND SCHEDULING  
ORDER**

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14 Wells Fargo Bank is hereby ORDERED TO SHOW CAUSE why this action should not be  
15 remanded to state court for lack of subject matter jurisdiction because Plaintiffs and Wells Fargo  
16 may not be diverse parties within the meaning of 28 U.S.C. §§ 1348, 1332, and 1441(b)(2). The  
17 Court notes that Plaintiffs are citizens of California, where Wells Fargo has its principal place of  
18 business. See, e.g., Martinez v. Wells Fargo Bank, No. 12-cv-6006-EMC, 2013 WL 2237879  
19 (N.D. Cal. May 21, 2013) (discussing Wachovia Bank v. Schmidt, 546 U.S. 303, 317 (2006), and  
20 American Surety Co. v. Bank of Cal., 133 F.2d 160, 162 (9th Cir. 1943)).

21 Wells Fargo may file a response to this Order of no more than twenty-five pages by  
22 August 26, 2013. Plaintiffs may file a responding brief of no more than twenty-five pages by  
23 September 9, 2013. Wells Fargo may file a reply of no more than fifteen pages by September 23,  
24 2013. The parties shall appear for a hearing on this Order on October 3, 2013, at 2:00 p.m., in  
25 Courtroom 9, 19th Floor, 450 Golden Gate Ave., San Francisco, California.

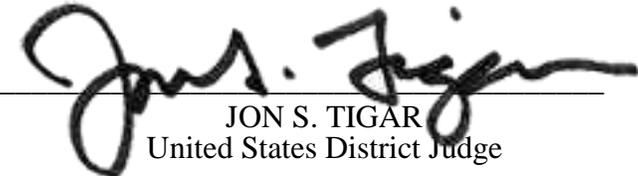
26 The Court hereby VACATES the hearings on Wells Fargo's Motion for Summary  
27 Judgment scheduled for August 15, 2013, and Motion to Strike or Exclude Evidence of Damages  
28 scheduled for September 5, 2013. Additionally, the Court VACATES the remaining deadlines in

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this action, including the date currently set for trial. The Court will reset the hearing dates and the remaining case deadlines and trial date after the question of the Court's jurisdiction has been resolved.

**IT IS SO ORDERED.**

Dated: August 12, 2013

  
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JON S. TIGAR  
United States District Judge