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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THAI QUANG DUONG THACH, et al.,

Plaintiffs,

v.

BANK OF AMERICA, et al.,

Defendants.

Case No.: [3:12-cv-05971-JCS](#)

**ORDER TO SHOW CAUSE RE SUBJECT
MATTER JURISDICTION**

United States District Court
Northern District of California

Plaintiffs filed this quiet title action in federal district court on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332(c). In particular, Plaintiffs allege they are citizens of California, that Bank of America, N.A. is a citizen of another state, and that ReconTrust Company, N.A. is “organized and existing under the laws of Texas.” Complaint at 1-2.

It has come to the Court’s attention, however, that ReconTrust Company, N.A. is a national bank based in California, and therefore, there is not complete diversity of citizenship in this action.¹ See 28 U.S.C. § 1348 (“All national banking associations shall, for the purposes of all other actions by or against them, be deemed citizens of the States in which they are respectively located.”); *Rodriguez v. Bank of America Corp.*, No. 11-1877, 2012 WL 2375833, at * 2-3 (D. Nev. June 21, 2012) (“Because ReconTrust is currently headquartered in California and was headquartered in California at the time this action was filed and removed, ReconTrust is a

¹ The Court takes judicial notice of the National Banks List on the official website of the Office of the Comptroller of the Currency, located at www.occ.treas.gov/topics/licensing/national-bank-lists/national-by-name-v2.pdf, which lists the location of ReconTrust Company, N.A. headquarters as Simi Valley California. See *Miller v. Wells Fargo Home Mortg.*, 2010 WL 3431802, at *2 (E.D.Cal., Aug. 31, 2010) (taking judicial notice of National Banks List, pursuant to Rule 201 of the Federal Rules of Evidence on the basis that it is a matter of public record).

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California resident”); *Patino v. ReconTrust Co., N.A.*, No. 11-0345 CW, 2012 WL 381206 (N.D. Cal. Feb. 6, 2012) (remanding case to state court because ReconTrust is a citizen of California).

Accordingly, the parties are ordered to appear and show cause why this action should not be dismissed for lack of subject matter jurisdiction. Within twenty (20) days of the date of this Order, the parties may file written briefs, not to exceed five (5) pages, addressing the question of whether the Court has diversity jurisdiction over this action. A show cause hearing shall be held on **Friday, January 11, 2013 at 1:30p.m.**

IT IS SO ORDERED.

Dated: December 17, 2012



Joseph C. Spero
United States Magistrate Judge