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7 Attorneys for Defendant
WELLS FARGO BANK, N.A., successor
by merger with Wells Fargo Bank
8 Southwest, N.A., f/k/a Wachovia Mortgage,
FSB, f/k/a World Savings Bank, FSB
9 (“Wells Fargo”) (sued as “Wells Fargo
Bank, N.A., a/k/a Wells Fargo Home
10 Mortgage, f/k/a Wachovia Bank, f/k/a
World Savings”)
11

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO/OAKLAND DIVISION

14 LINDA McDONALD,
15

16 Plaintiff,

17 v.

18 Wells Fargo Bank, N.A. a/k/a Wells Fargo
Home Mortgage, f/k/a Wachovia Bank, f/k/a
19 World Savings; and DOES 1 to 10,
20

21 Defendants.

Case No.: 3:13-cv-00987-MEJ

[The Honorable Maria-Elena James]

**WELLS FARGO’S NOTICE OF
PLAINTIFF’S COMPLAINT BEING
VOIDED IN STATE COURT PRIOR TO
REMOVAL**

22 TO THE COURT:

23 PLEASE TAKE NOTICE that prior to the removal of this action by defendant Wells
24 Fargo Bank, N.A. (“Wells Fargo”) on March 6, 2013 (Dkt. # 1), the Alameda County Superior
25 Court voided the Complaint filed by plaintiff Linda McDonald (“Plaintiff”). As Exhibit 1
26 illustrates, the Superior Court voided the Complaint on February 27, 2013 due to Plaintiff’s
27 failure to post the required \$435 filing fee. Service of the Order Voiding Filings of Linda
28 McDonald occurred on February 28, 2013; however, Wells Fargo did not receive notice of the

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Order until after it filed the Notice of Removal. Accordingly, there was no action to remove at the time of the removal since the Superior Court had already dismissed Plaintiff's lawsuit. Wells Fargo apologizes for any inconvenience caused by the removal.

In light of the fact that the Complaint was 'voided' prior to removal, Wells Fargo requests that the Court dismiss this action since there is nothing to adjudicate.

Respectfully submitted,

Dated: March 11, 2013

ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP

By: /s/ David Newman
David Newman
Attorneys for WELLS FARGO



This matter is DISMISSED and the Clerk shall close the file.

Dated: 3/12/2013

EXHIBIT 1

Linda McDonald
1018 Park Street
Hercules, CA 94547 _____

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

McDonald
Plaintiff/Petitioner(s)

vs.

Wells Fargo Bank, N.A.
Defendant/Respondent(s)
(Abbreviated Title)

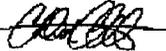
No. RG13666797

Order Voiding Filings of Linda
McDonald entered

Cause called for Ex Parte Hearing on Failure to Post the required filing fee. On the court's own motion,

IT IS ORDERED THAT the Complaint Breach of Contract/Warranty filed on 2/8/13 is hereby set aside and deemed void as to Linda McDonald for failure to post the required filing fee of \$435.00 .

Dated: 02/27/2013



Facsimile

Judge C. Don Clay

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Case Number: RG13666797
Order Voiding Filings of 02/27/2013

DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 02/28/2013.

Executive Officer / Clerk of the Superior Court

By  digital

Deputy Clerk

Date	Action	Image (Java)	Image (TIFF)
02/08/13	Complaint Breach of Contract/Warranty Filed		
02/08/13	Civil Case Cover Sheet Filed for Linda McDonald		
02/08/13	Summons on Complaint Issued and Filed		
02/08/13	Request Re: Waive Court Fees Filed for Linda McDonald		
02/11/13	Request Re: Waive Court Fees As to Linda McDonald Denied		
02/11/13	Initial Case Management Conference 06/24/2013 09:00 AM D- 24		
02/11/13	Notice of Assignment of Judge for All Purposes Issued		
02/27/13	Order Voiding Filings of Linda McDonald entered		
02/27/13	Initial Case Management Conference Hearing Dropped from dept: 24 date: 06/24/2013 time: 09:00 AM		
02/27/13	Case Administratively Voided Filed		

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP

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CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Pasadena, California; my business address is Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below, I served a copy of the foregoing document entitled:

WELLS FARGO'S NOTICE OF PLAINTIFF'S COMPLAINT BEING VOIDED IN STATE COURT PRIOR TO REMOVAL

on the interested parties in said case as follows:

Served By Means Other than Electronically Via the Court's CM/ECF System

Plaintiff in Pro Per

Linda McDonald
1018 Park Street
Hercules, CA 94547
Tel: (510) 712-3593
Fax: (510) 614-2930

BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that same practice it would be deposited with U.S. Postal Service on that same day with postage fully prepaid at Pasadena, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made. This declaration is executed in Pasadena, California on March 11, 2013.

Vanessa Ngo

/s/ Vanessa Ngo

(Type or Print Name)

(Signature of Declarant)