

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SN SERVICING CORPORATION,  
Plaintiff,  
v.  
WESTERN BANCORP,  
Defendant.

Case No.14-cv-04978-NC

**ORDER TO SHOW CAUSE RE:  
NECESSARY PARTY**

The Court has reviewed the parties' August 10, 2015, joint case management statement. Dkt. No. 42. Defendant Western Bancorp suggests that non-party Seneca Mortgaging Services, LLC is the injured party, not SN Servicing Corporation.

Federal Rule of Civil Procedure Rule 19(a) provides,

- (1) Required Party.** A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:
  - (A)** in that person's absence, the court cannot accord complete relief among existing parties; or
  - (B)** that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:
    - (i)** as a practical matter impair or impede the person's ability to protect the interest; or

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(ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

Additionally, the Ninth Circuit interprets Rule 19 to require joinder even when there is no cause of action between plaintiff and a party sought to be joined. *E.E.O.C. v. Peabody W. Coal Co.*, 400 F.3d 774, 781 (9th Cir. 2005). If “[j]oinder is necessary for the ‘sole purpose’ of effecting complete relief between the parties,” then the Court must order joinder of the required party. *Id.* at 781.

Therefore, SN Servicing must explain why Seneca Mortgaging Services, LLC is not a necessary party in this action by August 17, 2015. If Western Bancorp wishes, it may also explain by August 17, 2015, why it would support or oppose court-ordered joinder of Seneca Mortgaging Services, LLC. The parties should be prepared to discuss the issue further at the August 19, 2015, case management conference.

**IT IS SO ORDERED.**

Dated: August 11, 2015

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge