

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARIF PASHA, et al.,

Plaintiffs,

v.

QUALITY LOAN SERVICE  
CORPORATION, et al.,

Defendants.

Case No. 17-cv-01643 NC

**ORDER TO SHOW CAUSE  
REGARDING LACK OF SERVICE  
ON QUALITY LOAN SERVICE  
CORPORATION, AND DIVERSITY  
JURISDICTION**

The Court has no record that plaintiffs Arif and Mahjabeen Pasha ever served defendant Quality Loan Service Corporation with the original complaint or the amended complaint. If the Pashas want to pursue claims against Quality, they must present to the Court proof by July 25, 2017, that Quality was served with the complaint in compliance with Federal Rule of Civil Procedure 4. Under Rule 4(m), if a defendant is not served within 90 days of a complaint being filed, the Court must dismiss the action against that defendant, absent an extension or good cause shown to justify the failure. In addition, the Court notes that the Pashas did not appear for the July 5, 2017, case management conference, and have not responded to other orders. The Court admonishes the Pashas that it will dismiss their case for failure to prosecute if they do not participate in the proceedings they brought before the Court.

The Court also notes that removing defendant JPMorgan Chase did not obtain the

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1 consent of Quality to remove the case on the purported ground that Quality was merely a  
2 nominal defendant. Trustees are usually nominal defendants. *Perez v. Wells Fargo Bank,*  
3 *N.A.*, 929 F. Supp. 2d 988, 1002 (N.D. Cal. 2013). “[F]ederal court[s] must disregard  
4 nominal or formal parties and rest jurisdiction only upon the citizenship of real parties to  
5 the controversy.” *Kuntz v. Lamar Corp.*, 385 F.3d 1177, 1183 (9th Cir. 2004) (citation  
6 omitted). “However, courts have found that trustees are more than nominal defendants  
7 where the complaint includes substantive allegations and asserts claims for money  
8 damages against the trustee.” *Perez*, 929 F. Supp. 2d at 1002. Here, the complaint alleges  
9 substantive claims against Quality under the California Homeowner Bill of Rights.  
10 Defendants must, in a filing of 5 pages or less, explain to the Court why Quality is a  
11 nominal defendant; and if Quality is a California corporation, why the Court should not  
12 remand this case to state court for lack of subject matter jurisdiction. The Court does not  
13 desire a document from each defendant on this topic. This document must be filed with  
14 the Court by July 25, 2017.

15 Finally, the Court reminds the Pashas that the Federal Pro Se Program at the San  
16 Jose Courthouse provides free information and limited-scope legal advice to pro se  
17 litigants in federal civil cases. The Pashas are encouraged to use the Program’s services.  
18 The Federal Pro Se Program is available by appointment and on a drop-in basis. The  
19 Federal Pro Se Program is available at Room 2070 in the San Jose United States  
20 Courthouse (Monday to Thursday 1:00 - 4:00 pm, on Friday by appointment only), and  
21 The Law Foundation of Silicon Valley, 152 N. 3rd Street, 3rd Floor, San Jose, CA  
22 (Monday to Thursday 9:00 am - 12:00 pm, on Friday by appointment only), or by calling  
23 (408) 297-1480.

24  
25 **IT IS SO ORDERED.**

26  
27 Dated: July 18, 2017

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NATHANAEL M. COUSINS  
United States Magistrate Judge