

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

|                        |   |                         |
|------------------------|---|-------------------------|
| KELLI J. JACK,         | ) |                         |
|                        | ) |                         |
| Plaintiff,             | ) |                         |
| v.                     | ) | No. 1:10-cv-724-LJM-DML |
|                        | ) |                         |
| FEDERAL DEPOSIT        | ) |                         |
| INSURANCE CORPORATION, | ) |                         |
|                        | ) |                         |
| Defendant.             | ) |                         |

**Entry Granting Motion to Transfer Venue**

Defendant Advanta Bank Corp. (“Advanta”) moved to transfer the action to the District of Utah on August 4, 2010. At that time, Advanta had been closed by the Utah Commissioner of Financial Institutions and the Federal Deposit Insurance Corporation (“FDIC”) had been appointed its receiver. In light of this, the FDIC was substituted for Advanta on August 16, 2010. Because the FDIC is acting as the receiver for Advanta, the action must be transferred pursuant to 12 U.S.C. § 94. This venue statute is mandatory, requiring that an action in which the FDIC is a receiver of a bank be brought in the district where the bank’s principal place of business is located. That statute provides:


Any action or proceeding against a national banking association for which the Federal Deposit Insurance Corporation has been appointed receiver, or against the Federal Deposit Insurance Corporation as receiver of such association, shall be brought in the district or territorial court of the United States held within the district in which that association's principal place of business is located, or, in the event any State, county, or municipal court has jurisdiction over such an action or proceeding, in such court in the county or city in which that association's principal place of business is located.

Here, Advanta’s principal place of business was Draper, Utah. Because the FDIC is acting as Advanta’s receiver, the case must be brought in the District of Utah.

Accordingly, the above action is now **TRANSFERRED** to the United States District Court for the District of Utah Central Division at Salt Lake City.

**IT IS SO ORDERED.**

Date: 12/16/2010

  
 LARRY J. MCKINNEY, JUDGE  
 United States District Court  
 Southern District of Indiana

Distribution:

Kelli J. Jack  
7127 Sea Pine Dr.  
Indianapolis, IN 46250

Brian Scott Jones  
Bose McKinney & Evans, LLP  
b.jones@boselaw.com