

04-1186 WACHOVIA BANK V. SCHMIDT

DECISION BELOW: 388 F3d 414

LOWER COURT CASE NUMBER: 03-2061

QUESTION PRESENTED:

28 U.S.C. § 1348 provides that, with limited exceptions that are inapplicable here, "[a]ll national banking associations shall * * * be deemed citizens of the States in which they are respectively located."

The questions presented are (i) whether, for purposes of federal diversity jurisdiction, a national banking association is "located" in, and thus deemed to be a citizen of, every state in which the association maintains a branch, as held by the court below, or instead has a more limited citizenship, as held by three other courts of appeals; and (ii) whether the word "located," as used in 28 U.S.C. § 1348, is ambiguous.

CERT. GRANTED 6/13/2005