

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

McLaughlin v. Wells Fargo, N.A.

McLaughlin v. Wells Fargo, N.A. · No. 3:25-cv-02564 (MAS) (RLS) · Decided December 15, 2025

SUMMARY

The United States District Court for the District of New Jersey denies Maurice W. and Tracey E. McLaughlin’s motion to remand their claims against Wells Fargo, N.A. The court holds that removal was timely because Wells Fargo became a defendant only after the claims were transferred to the Law Division, assigned a new docket number, and the parties were realigned.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Michael A. Shipp
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 15, 2025
DOCKET	3:25-cv-02564 (MAS) (RLS)
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiffs moved to remand an action removed by Wells Fargo from the Superior Court of New Jersey based on federal-question jurisdiction.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal jurisdiction, and removal statutes are strictly construed against removal with doubts resolved in favor of remand.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Maurice W. McLaughlin, Tracey E. McLaughlin v. Wells Fargo, N.A.

TOPICS

- subject matter jurisdiction
- civil procedure
- foreclosure
- pleadings

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- removal and remand
- foreclosure
- consumer protection

QUESTIONS PRESENTED

1. Whether Wells Fargo's notice of removal was timely under 28 U.S.C. § 1446.
2. Whether Wells Fargo could remove the action even though it had originally filed the foreclosure action in state court.
3. Whether the transfer of the McLaughlins' counterclaims to the Law Division under a new docket number and the realignment of the parties created a separate action in which Wells Fargo was a defendant and could invoke removal jurisdiction.
4. Whether the McLaughlins' federal claims supplied federal-question jurisdiction.

HOLDINGS

1. Wells Fargo's notice of removal was timely because the thirty-day removal period began when the state court transferred the claims to the Law Division and realigned Wells Fargo as the defendant on March 10, 2025.
2. Wells Fargo could remove the transferred action because the Law Division proceeding constituted a separate action in which Wells Fargo was a defendant, notwithstanding its status as the original plaintiff in the earlier foreclosure action.
3. Federal-question jurisdiction existed because the operative claims included claims arising under federal law.

KEY QUOTATIONS

“The McLaughlins’ Counterclaims, regardless of their title, once transferred to the Law Division, constitute a second action against Wells Fargo, independent of the Foreclosure Action.”

“Removal was therefore proper within thirty days of that date, when “the grounds for removal” became “clearly established,” and Wells Fargo timely filed its Notice of Removal thirty days later.”

FACTUAL BACKGROUND

Wells Fargo filed a New Jersey foreclosure action against the McLaughlins on January 31, 2024. The McLaughlins later asserted counterclaims, including claims under federal consumer-protection statutes. After Wells Fargo assigned its interests to Shellpoint and the claims involving Shellpoint were dismissed, the remaining counterclaims were transferred to the Law Division under a new docket number, where the parties were realigned and Wells Fargo was designated the defendant. Wells Fargo removed the resulting action within thirty days of the transfer and realignment.

PROCEDURAL HISTORY

Wells Fargo originally filed a foreclosure action against the McLaughlins in the New Jersey Superior Court's Chancery Division. The McLaughlins asserted counterclaims, Wells Fargo later assigned its interest to Shellpoint, and the foreclosure claims against Shellpoint were dismissed. The McLaughlins' remaining counterclaims against Wells Fargo were transferred to the Law Division under a new docket number, the parties were realigned with the McLaughlins as plaintiffs and Wells Fargo as defendant, and Wells Fargo removed the action to federal court on April 9, 2025. The district court denied the motion to remand.

DISPOSITION

denied

CASES CITED

- Steel Valley Authority v. Union Switch & Signal Division, 809 F.2d 1006, 1010 (3d Cir. 1987)
- Concepcion v. CFG Health Systems LLC, No. 13-2081, 2013 WL 5952042, at *2 (D.N.J. Nov. 6, 2013)
- Boncek v. Pennsylvania Railroad Co., 105 F. Supp. 700, 705 (D.N.J. 1952)
- Von Dell v. Boeing Co., No. 11-786, 2011 WL 5974579, at *1 (D. Del. Oct. 25, 2011)
- Graphic Scanning Corp. v. Yampol, 677 F. Supp. 256, 258 (D. Del. 1988)
- Yorker v. Manalapan Police Department, No. 04-5170, 2005 WL 1429879, at *2 (D.N.J. June 17, 2005)
- Smith v. United Services Automobile Association, No. 24-1513, 2024 WL 5298645, at *1 (W.D. Pa. Dec. 19, 2024)
- Thomas v. Advance Housing, Inc., 475 F. App'x 405, 407 (3d Cir. 2012)
- Williams v. Experian Information Solutions, No. 24-10917, 2025 WL 1029772, at *2 (D.N.J. Apr. 7, 2025)
- Home Depot U.S.A., Inc. v. Jackson, 587 U.S. 435, 441-42 (2019)
- Rosario v. Hartford Fire Insurance Co., No. 19-13328, 2020 WL 1061094, at *5-*8 (D.N.J. Mar. 4, 2020)
- Jacome de Espina v. Jackson, No. 15-2059, 2015 WL 6122329, at *2 (D. Md. Oct. 14, 2015)
- Vogel v. Merck & Co., 476 F. Supp. 2d 996, 1000 (S.D. Ill. 2007)

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