UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Mubiru v. Wells Fargo Bank, N.A.

No. 1:23-cv-01597-KES-SAB (E.D. Cal. Aug. 6, 2025) · No. 1:23-cv-01597-KES-SAB · Decided August 6, 2025

SUMMARY

The document contains findings and recommendations recommending that the Eastern District of California grant Wells Fargo Bank, N.A.'s motion for summary judgment in Frank K. Mubiru's pro se action. The court addresses claims construed as intentional infliction of emotional distress, negligent infliction of emotional distress, and negligence arising from Mubiru's erroneous designation as deceased on a bank account and the bank employees' subsequent conduct. The court concludes that Mubiru failed to establish a duty supporting his direct-victim emotional-distress claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	1:23-cv-01597-KES-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a diversity action alleging negligence-related emotional distress after Wells Fargo erroneously identified him as deceased on bank records. Defendant moved for summary judgment on the claims construed from the pro se complaint. The magistrate judge issued findings and recommendations recommending that the motion be granted; the recommendation was subject to objections and final disposition by the assigned district judge.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views evidence in the light most favorable to the nonmoving party, may not weigh conflicting evidence or make credibility determinations, and shifts the burden to the nonmoving party to identify specific evidence showing a genuine issue after the movant meets its initial burden.

PRECEDENTIAL VALUE	nonprecedential; magistrate judge findings and recommendations
PARTIES	Frank K. Mubiru v. Wells Fargo Bank, N.A.

TOPICS

summary judgment · negligent infliction of emotional distress · negligence · civil procedure

PRACTICE AREAS

civil procedure · torts · contracts · evidence

QUESTIONS PRESENTED

1. Whether Defendant was entitled to summary judgment on any intentional infliction of emotional distress claim.
2. Whether Plaintiff established a legally cognizable duty supporting a direct-victim negligent infliction of emotional distress claim under California law.
3. Whether Plaintiff established a duty of care or breach sufficient to maintain a general negligence claim.
4. Whether the economic loss rule independently barred a negligence claim based on refusal to permit access to bank funds.

HOLDINGS

1. No IIED claim required adjudication because Plaintiff did not allege or pursue an IIED claim based on the bank employees' conduct after the clerical error, and he abandoned any claim based on the clerical error by failing to address Defendant's argument.
2. Plaintiff could not maintain his direct-victim NIED claim because he failed to establish that Wells Fargo owed him a duty to avoid causing emotional distress during the bank interaction.
3. California Civil Code section 1714(a) did not impose on Wells Fargo a presumptive general duty to avoid causing emotional distress to a depositor.
4. Plaintiff failed to establish a duty of care or breach supporting a general negligence claim, so summary judgment was recommended on that claim.
5. The economic loss rule did not bar Plaintiff's pleaded emotional-distress theory because he did not seek purely economic losses or allege that Wells Fargo failed to perform contractual promises; however, the rule would bar an unpleaded negligence claim based on refusal to permit access to funds.

KEY QUOTATIONS

> *"There is no duty in California to avoid negligently causing emotional distress to another."* (Discussion § IV.B)

> *"Plaintiff's "direct victim" NIED claim fails as he fails to establish the existence of a viable duty owed on behalf of Defendant to Plaintiff that would support his NIED claim."* (Discussion § IV.B)

> *"summary judgment is not a procedural second chance to flesh out inadequate pleadings."* (Discussion § IV.C)

FACTUAL BACKGROUND

Frank K. Mubiru maintained a personal Wells Fargo checking account and was a joint holder of a savings account with his son. When Mubiru and his son sought to remove Mubiru from the joint savings account, a bank application erroneously identified Mubiru as deceased, which affected access to his personal account. On November 30, 2021, bank employees allegedly told Mubiru that he was deceased and required him to complete and notarize a Declaration of Life; the account was unfrozen on December 3, 2021. Mubiru claimed that the interaction caused severe emotional distress, but the employees were undisputedly polite, professional, and helpful, and he did not allege damages from the temporary inability to access funds.

PROCEDURAL HISTORY

Plaintiff filed the action on November 13, 2023, and Defendant answered on February 27, 2024. After discovery, including a stipulated mental examination, Defendant moved for summary judgment. Plaintiff opposed the motion, and Defendant replied. The magistrate judge recommended granting summary judgment on the construed intentional infliction of emotional distress, negligent infliction of emotional distress, and general negligence claims.

DISPOSITION

other

CASES CITED

- Hughes v. Pair, 46 Cal. 4th 1035, 1050 (2009)
- Jenkins v. County of Riverside, 398 F.3d 1093, 1095 n.4 (9th Cir. 2005)
- Potter v. Firestone Tire & Rubber Co., 6 Cal. 4th 965, 984-85 (1993)
- Marlene F. v. Affiliated Psychiatric Medical Clinic, Inc., 48 Cal. 3d 583, 588 (1989)
- Brown v. USA Taekwondo, 11 Cal. 5th 204, 213 (2021)
- Burgess v. Superior Court, 2 Cal. 4th 1064, 1071-73 (1992)
- Wooden v. Raveling, 61 Cal. App. 4th 1035, 1038, 1043, 1046 (1998)
- Kurtz-Ahlers, LLC v. Bank of America, N.A., 48 Cal. App. 5th 952, 956 (2020)
- Chazen v. Centennial Bank, 61 Cal. App. 4th 532, 537, 543 (1998)
- Bullis v. Security Pacific National Bank, 21 Cal. 3d 801, 808 (1978)
- S&S Worldwide, Inc. v. Wells Fargo Bank, 509 F. Supp. 3d 1154, 1161-62 (N.D. Cal. 2020)
- Hawkins v. Bank of America, N.A., No. 17-CV-01954-BAS-AGS, 2018 WL 1316160, at *3 (S.D. Cal. Mar. 14, 2018)
- Southern California Gas Leak Cases v. Superior Court, 7 Cal. 5th 391, 399 (2019)
- Gray v. Ben, No. CV 22-03090-DSF (PVCx), 2022 WL 16859609, at *4 (C.D. Cal. Nov. 9, 2022)

- Gray v. JPMorgan Chase Bank, N.A., 661 F. Supp. 3d 991, 997 (C.D. Cal. 2023), aff'd, No. 23-55318 (9th Cir. Mar. 29, 2024)
- Branch v. Homefed Bank, 6 Cal. App. 4th 793, 800 (1992)
- Kasramehr v. Wells Fargo Bank N.A., No. CV 11-0551 GAF OPX, 2011 WL 12473383, at *10 (C.D. Cal. May 18, 2011)
- Sheen v. Wells Fargo Bank, N.A., 12 Cal. 5th 905, 915, 923 (2022)
- Alvarez v. Hashemi, No. 16-cv-00203-AWI-JLT, 2019 WL 1099838, at *12 (E.D. Cal. Mar. 8, 2019)
- Wasco Products, Inc. v. Southwall Technologies, Inc., 435 F.3d 989, 992 (9th Cir. 2006)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48, 248 (1986)
- Nissan Fire & Marine Insurance Co. v. Fritz Companies, 210 F.3d 1099, 1102 (9th Cir. 2000)
- Matsushita Electric Industrial Co. v. Zenith Radio, 475 U.S. 574, 588 (1986)
- Keenan v. Allan, 91 F.3d 1275, 1279 (9th Cir. 1996)
- Reinsurance Co. v. Northrop Grumman Corp., 975 F.3d 840, 844 (9th Cir. 2020)
- Furnace v. Sullivan, 705 F.3d 1021, 1026 (9th Cir. 2013)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- Manley v. Rowley, 847 F.3d 705, 711 (9th Cir. 2017)
- Sandoval v. County of San Diego, 985 F.3d 657, 666 (9th Cir. 2021)
- Fraser v. Goodale, 342 F.3d 1032, 1036-37 (9th Cir. 2003)
- Burch v. Regents of the University of California, 433 F. Supp. 2d 1110, 1119 (E.D. Cal. 2006)
- Torres v. Los Angeles Sheriff's Department, No. CV 22-07450-MWF (MARx), 2024 WL 4720808, at *5 (C.D. Cal. Aug. 14, 2024)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
