

CAUSE NO. 2024-13140

JACOBO CORDOVA,  
*Plaintiff,*

v.

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR GREENPOINT  
MORTGAGE FUNDING TRUST  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-ARS,  
*Defendant.*

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

55<sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT’S NOTICE OF FILING NOTICE OF REMOVAL**

Defendant U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE FUNDING TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-ARS (“U.S. Bank” or “Defendant”) by and through its attorneys, filed a Notice of Removal with the United States District Court for the Southern District of Texas, Houston Division on April 1, 2024, to remove the above-entitled and numbered cause. A copy of the Notice of Removal, without the accompanying exhibits, is attached hereto as **Exhibit A**, and a full copy has been served on the Plaintiff.

TAKE FURTHER NOTICE that, upon filing the Notice of Removal with the United States District Court for the Southern District of Texas, Defendant has effected removal under 28 U.S.C. Sections 1441 and 1331. Pursuant to 28 U.S.C. Section 1446(d), this Court should proceed no further in this action.

Dated: April 1, 2024

Respectfully submitted,

**DYKEMA GOSSETT PLLC**

By: /s/ José M. (Joe) Rubio  
**José M. (Joe) Rubio**

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1401 McKinney St., Suite 1625  
Houston, Texas 77010  
Tel. (713) 904-6900  
Fax: (866) 680-0674

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 1st day of April, 2024, a true and correct copy of the foregoing and/or attached was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure as follows:

James Minerve  
13276 N. Hwy. 183, Suite 209  
Austin, Texas 78750  
jgm@minervelaw.com  
***Attorney for Plaintiff***

/s/ José M. (Joe) Rubio  
José M. (Joe) Rubio

4854-9488-8366.1

Unofficial Copy Office of Marilyn Burgess District Clerk

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JACOBO CORDOVA,

*Plaintiff,*

v.

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR GREENPOINT  
MORTGAGE FUNDING TRUST  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-ARS,

*Defendant.*

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Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE FUNDING TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-ARS ("U.S. Bank" or "Defendant"), by and through its attorneys, files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, respectfully showing as follows:

**BACKGROUND**

Plaintiff's Petition is styled *Jacobo Cordova v. U.S. Bank National Association, as Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through Certificates, Series 2006-ARS*, Cause No. 2024-13140. Plaintiff, having failed to meet the payment obligations of a mortgage loan, contends that Defendant, who serves as the lender and mortgagee, violated provisions of the Real Estate Settlement Procedures Act (RESPA) when Defendant attempted to foreclose on the property that is subject to the defaulted mortgage loan. *See* Exhibit B-1, Plaintiff's Original Petition, Para. 20-24. Specifically, Plaintiff claims that Defendant violated 12 C.F.R. § 1024.41(g)

by allegedly failing to respond to Plaintiff's loss mitigation application ("qualified written request") before foreclosing on the subject property. *Id.*

Plaintiff filed his lawsuit on or about February 29, 2024 and Defendant became aware of the lawsuit on or about March 12, 2024 and subsequently filed this Notice of Removal within thirty (30) days of such notice, pursuant to 28 U.S.C. § 1446

Pursuant to 28 U.S.C. § 1446(a), and Local Rule 81, the following documents are attached to this Notice:

All executed process, issued citations, and/or requests for issuance of citations in this case are attached as **Exhibits A-1**.

Pleadings and answers are attached as **Exhibits B-1 through B-4**;

All orders signed by the state judge and other notices are attached as **Exhibits C-1 through C-2**;

The state court's docket sheet is attached as **Exhibit D**;

An index of matters being filed is attached as **Exhibit E**; and

Certificate of interested persons is attached as **Exhibit F**.

#### **GROUND FOR REMOVAL: FEDERAL QUESTION JURISDICTION**

This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331,<sup>1</sup> and the action may be removed pursuant to 28 U.S.C. § 1441(a), because Plaintiff alleges claims arising under federal law—specifically, the Real Estate Settlement Procedures Act. This civil action is properly removed to this Court because the state court where the action has been pending is located

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<sup>1</sup> That this matter is properly removable to this Court based upon federal question jurisdiction is confirmed by Plaintiff's Petition, which specifically states that because Defendant violated 12 CFR §1024.41(g), by allegedly failing to respond to Plaintiff's qualified written request before foreclosing on the subject property. *See* Ex. B, Pl.'s Orig. Pet., Section "Brief Summary," Para. 7.

within this district and division. *See* 28 U.S.C. § 124(b)(1) (specifying that Harris County falls within the United States District Court for the Southern District of Texas, Houston Division).

In his Petition, Plaintiff alleges that Defendants violated RESPA because the Defendant failed to comply with 12 CFR §1024.41(g) by failing to respond to Plaintiff's qualified written request before foreclosing on the subject property. *See* Ex. B, Pl.'s Orig. Pet., Para. 20- 24. As such, the federal question is presented on the face of Plaintiff's complaint. These RESPA-based claims establish federal question jurisdiction in this Court. 28 U.S.C. §§ 1331.

**THIS NOTICE OF REMOVAL IS TIMELY**

Finally, Defendant timely filed this Notice of Removal within 30 days of its receipt of the initial pleading establishing that this case is removable to this Court. 28 U.S.C. § 1446(b). Notice of this removal is being filed in the state court where the action is currently pending, and this Notice of Removal is also being served on Plaintiff through his counsel, pursuant to 28 U.S.C. § 1446(d). A copy of Defendant's Notice of Removal to be filed in the state court is attached hereto as **Exhibit G**.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Defendant hereby removes this matter from the District Court in Harris, Texas, to this Honorable Court.

Respectfully submitted,

**DYKEMA GOSSETT PLLC**

By: /s/ José M. (Joe) Rubio

**José M. (Joe) Rubio**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 1<sup>st</sup> day of April, 2024, a true and correct copy of the foregoing and/or attached was served on each attorney of record or party in accordance with the Federal Rules of Civil Procedure as follows:

James Minerve  
13276 N. Hwy. 183, Suite 209  
Austin, Texas 78750  
jgm@minervelaw.com  
***Attorney for Plaintiff***

/s/ José M. (Joe) Rubio

José M. (Joe) Rubio

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kathy Lowery on behalf of Jose Rubio  
Bar No. 24084576  
KLowery@dykema.com  
Envelope ID: 86170192  
Filing Code Description: Notice  
Filing Description: Notice of Filing Notice of Removal  
Status as of 4/2/2024 8:07 AM CST

#### Case Contacts

| Name                | BarNumber | Email                 | TimestampSubmitted  | Status |
|---------------------|-----------|-----------------------|---------------------|--------|
| Jose M. Rubio       |           | JRubio@dykema.com     | 4/1/2024 6:36:34 PM | SENT   |
| Stephanie Sepulveda |           | ssepulveda@dykema.com | 4/1/2024 6:36:34 PM | SENT   |
| James G. Minerve    | 24008692  | jgm@minervelaw.com    | 4/1/2024 6:36:34 PM | SENT   |
| Kathy Lowery        |           | klowery@dykema.com    | 4/1/2024 6:36:34 PM | SENT   |

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