

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2024, a copy of the above and foregoing was filed electronically with the Clerk of Court. Notice of this filing has been forwarded to all parties via email and first class mail.

Teaira Nichole Jourdain
dba LJS Investments
16107 Sheldon Ridge Way
Houston, TX 77044
email: jourdainteira@gmail.com

By: /s/ Kathryn B. Davis
KATHRYN B. DAVIS

Unofficial Copy Office of Marilyn Burgess District Clerk

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.

Angelia Foster on behalf of Kathryn Davis
Bar No. 24050364
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Envelope ID: 88269765
Filing Code Description: Notice
Filing Description: Notice of Removal to Federal Court
Status as of 5/30/2024 2:51 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Teiara Jourdain		jourdainteira@gmail.com	5/30/2024 2:16:55 PM	SENT
Angelia Foster		afoster@mcglinchey.com	5/30/2024 2:16:55 PM	SENT
Kasey Davis		kdavis@mcglinchey.com	5/30/2024 2:16:55 PM	SENT

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EXHIBIT “A”

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

TEAIRA NICHOLE JOURDAIN DBA
LJS INVESTMENTS,

Plaintiff,

v.

PHH MORTGAGE CORPORATION,

Defendant.

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CIVIL ACTION NO.

DEFENDANT’S NOTICE OF REMOVAL

Defendant PHH Mortgage Corporation (“*PHH*” or “*Defendant*”) hereby gives notice of the removal of the state court action described below on the basis of diversity jurisdiction. As grounds for the removal, Defendant respectfully states as follows:

I. INTRODUCTION

1. On April 30, 2024, Plaintiff Teaira Nichole Jourdain dba LJS Investments (“*Plaintiff*”) filed its Original Petition, Application for Temporary Restraining Order and Temporary Injunction (the “*Petition*”), which initiated a state court action numbered and styled as Cause No. 2024-27702, *Teaira Nichole Jourdain dba LJS Investments v. PHH Mortgage Corporation*, in the 234th Judicial District Court of Harris County, Texas (the “*State Court*”).

2. In its Petition, Plaintiff asserts claims for: (a) quiet title; (b) violation of the Texas Civil Practices & Remedies Code; and (c) violation of the Texas Debt Collection Act. Plaintiff also seeks declaratory and injunctive relief related to the real property commonly known as 16107 Sheldon Ridge Way, Harris County, Houston, TX (the “*Property*”).

3. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, orders, and other papers filed in the State Court and obtained by Defendant are attached hereto and marked as composite **Exhibit A** and incorporated herein by reference.

II. TIMELINESS OF NOTICE OF REMOVAL

4. Defendant was served with a citation on May 17, 2024. Thirty days has not lapsed since the time of service; therefore, pursuant to 28 U.S.C. § 1446(b)(1), this removal is timely.¹

III. BASIS FOR REMOVAL: DIVERSITY JURISDICTION

5. This Court has original jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1332 because it is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs, as discussed more fully below.

A. Complete Diversity Exists.

6. According to the Petition, Plaintiff Teaira Nichole Jourdain dba LJS Investments is a sole proprietorship doing business in Harris County, State of Texas.² Under Texas law, a sole proprietorship has no legal existence apart from its owners.³ Thus, a sole proprietorship lacks the capacity to sue independent from its sole proprietor.⁴ Because Teaira Nichole Jourdain dba LJS Investments has no legal existence or capacity to sue under Texas law, its citizenship can be disregarded. However, even if it did have capacity to sue, there is still complete diversity between the parties because Plaintiff and/or its sole proprietor Teaira Nichole Jourdain are a citizen of Texas.

¹ See 28 U.S.C. § 1446(b)(1); see also *Thompson v. Deutsche Bank Nat'l Tr. Co.*, 775 F.3d 298, 303 (5th Cir. 2014) (the federal removal and jurisdiction statutes “clearly provide that a defendant’s right to removal runs from the date on which it is formally served with process.”) (citations omitted).

² See Petition, ¶ 6.

³ See *Brantley v. Kuntz*, 98 F.Supp.3d 884, 887 (W.D. Tex. 2015).

⁴ See *Horie v. Law Offices of Art Dula*, 560 S.W.3d 425, 434 (Tex. App.—Houston [14th Dist.] 2018) (“[T]he assumed name of a sole proprietorship is not a separate legal entity or even a different capacity of the individual sole proprietor.”).

7. PHH is a New Jersey Corporation with its principal place of business located at 1 Mortgage Way, Mt. Laurel, New Jersey 08054. A corporation is a citizen of the state where it is incorporated and the state where it has its principal place of business.⁵ Therefore, for diversity purposes, PHH is a citizen of New Jersey.

8. Because Plaintiff is a citizen of Texas and Defendant is not a citizen of Texas, complete diversity of citizenship exists between Defendant and Plaintiff.

B. The amount in controversy exceeds \$75,000.00.

9. Although Defendant denies that Plaintiff is entitled to recover any amount, and specifically denies that Plaintiff is entitled to any relief, Plaintiff seeks declaratory relief, quiet title, and injunctive relief with respect to the Property. When this type of relief is sought, the amount in controversy is measured by the value of the property at issue.⁶ According to the Harris County Appraisal District's records, the total value of the Property is at least \$232,089.00.⁷ Therefore, based on the relief Plaintiff seeks in the Petition, the amount in controversy exceeds \$75,000.00.

IV. VENUE

10. Venue for this removal is proper in the United States District Court for the Southern District of Texas, Houston Division, because this district and division includes Harris County, Texas, which is the location of the pending State Court action.⁸

⁵ 28 U.S.C. § 1332(c)(1); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 88-90 (2005).

⁶ *Nationstar Mortg. LLC v. Knox*, 351 F. App'x 844, 848 (5th Cir. 2009); *Waller v. Pro Ins. Corp.*, 296 F.2d 545, 547 (5th Cir. 1961).

⁷ See Harris County Appraisal District Summary attached as **Exhibit B**. The Court may take judicial notice of this document because it is a public record and the information it provides is readily ascertainable and the source—the Harris County Appraisal District—cannot reasonably be questioned. See *Funk v. Stryker*, 631 F.3d 777, 783 (5th Cir. 2011).

⁸ See 28 U.S.C. § 1441(a); 28 U.S.C. § 124(b)(2) (stating that the Houston Division of the Southern District includes Harris County).

V. ADDITIONAL REQUIREMENTS

11. Written Notice of Removal will be provided to Plaintiff and filed with the District Clerk of Harris County, Texas.

12. In the event that Plaintiff seeks to remand this case, or the Court considers remand *sua sponte*, Defendant respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

WHEREFORE, having satisfied the requirements for removal Defendant gives notice that Cause No. 2024-27702, originally filed in the 234th Judicial District, Harris County, Texas, has been removed to this Court.

Respectfully submitted,

By: s/ Kathryn B. Davis

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**ATTORNEYS FOR DEFENDANT PHH
MORTGAGE CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2024, a copy of the above and foregoing was filed electronically with the Clerk of Court. Notice of this filing has been forwarded to all parties via email and first class mail.

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