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The Honorable George C. Hanks, Jr
United States District Judge
Southern District of Texas, Houston Div.
515 Rusk St., Room 6202
Houston, TX 77002

RE: Case 4:24-cv-02016, *Valifornia Inc. v. U.S. Bank National Association as Trustee*

Your Honor:

This firm represents Defendant U.S. Bank National Association as Trustee (“Defendant”) in the above-referenced proceeding. In accordance with Part 6.B. of the Court’s Procedures, Defendant submits this pre-motion conference letter to inform the Court of its intention to file a motion to dismiss the Petition filed on May 1, 2024 (“Complaint”) by Plaintiff Valifornia Inc. (“Plaintiff”), for failure to state a plausible claim for relief pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Defendant respectfully request a pre-motion conference to discuss these issues with the Court.

Plaintiff as a junior lienholder is not a borrower and is not entitled to the requisite pre-foreclosure notices as provided for in the Texas Property Code, Section 51. Even if Plaintiff did have standing, Texas does not recognize a claim for violation of the Texas Property Code, Section 51.002. Similarly, Plaintiff is not entitled to a declaratory judgment “that the pending foreclosure sale of their Property is wrongful.” Compl. ¶ 19.

For all these reasons, Defendant respectfully requests a pre-motion conference as soon as practicable, or a determination by the Court not to conduct a pre-motion conference, so that Defendant may proceed with the filing of their motion to dismiss the Complaint.

Sincerely,

McGlinchey Stafford PLLC

/s/ Kathryn Davis

Kathryn Davis

cc: VIA CM/ECF
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