

**CAUSE NO. 2025-30913**

**MONICA RHODES**

**Plaintiff,**

**V.**

**PHH MORTGAGE CORPORATION**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT OF**

**HARRIS COUNTY, TEXAS**

**152<sup>ND</sup> JUDICIAL DISTRICT**

**NOTICE OF FILING OF NOTICE OF REMOVAL**

Defendant PHH Mortgage Corporation filed a Notice of Removal with the United States District Court for the Southern District of Texas, Houston Division, 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 Plaintiff.

TAKE FURTHER NOTICE that, upon filing the Notice of Removal with the United States District Court for the Southern District of Texas, Houston Division, Defendant has effected removal under 28 U.S.C. §§ 1331, 1332 and 1441. Pursuant to 28 U.S.C. § 1446(d), this Court should proceed no further in this action.

DATED: May 15, 2025

Respectfully submitted,

**DYKEMA GOSSETT PLLC**

By: /s/ Joe Rubio III

Joe Rubio III

State Bar No. 24084576

[JRubio@dykema.com](mailto:JRubio@dykema.com)

Tara S. Kern

State Bar No. 24099283

[TKern@dykema.com](mailto:TKern@dykema.com)

Comerica Bank Tower

1717 Main Street, Suite 4200

Dallas, Texas 75201

Telephone: (214) 462-6400

Facsimile: (214) 462-6401

**ATTORNEYS FOR DEFENDANT  
PHH MORTGAGE CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon on all counsel of record on May 15, 2025, in compliance with the Texas Rules of Civil Procedure.

/s/ Joe Rubio III

Joe Rubio III

4919-2618-6819.1

### 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: 100871826

Filing Code Description: Notice

Filing Description: Notice of Filing Notice of Removal

Status as of 5/15/2025 11:17 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kathy Lowery		klowery@dykema.com	5/15/2025 10:56:32 AM	SENT
Yvonne Jacobus		yjacobus@dykema.com	5/15/2025 10:56:32 AM	SENT
Jose M.Rubio		JRubio@dykema.com	5/15/2025 10:56:32 AM	SENT
Tara Kern		TKern@dykema.com	5/15/2025 10:56:32 AM	SENT
Mary Daughtrey		mary.daughtrey@delaruelaw.com	5/15/2025 10:56:32 AM	SENT
Erick DeLaRue		erick.delarue@delaruelaw.com	5/15/2025 10:56:32 AM	SENT

# EXHIBIT A

Unofficial Copy Office of Marilyn Burgess District Clerk

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

**MONICA RHODES,**

**Plaintiff,**

**- vs -**

**PHH MORTGAGE CORPORATION,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO. \_\_\_\_\_**

**NOTICE OF REMOVAL**

PHH Mortgage Corporation (hereinafter referred to as “PHH” or “Defendant”), Defendant in the above-styled and numbered civil action, files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. §§ 1331 (Federal Question), 1332 (Diversity), 1441, and 1446, respectfully showing as follows:

**BACKGROUND**

This lawsuit arises out of Defendant’s attempt to foreclose on the Property, located at 9806 Glasgow Green Houston, Texas 77089 (the “Property”), following Plaintiff Monica Rhodes’ (“Plaintiff”) default on the relevant mortgage note and deed of trust secured by the Property. The foreclosure sale of the Property was set to occur on May 6, 2025. On May 1, 2025, Plaintiff filed an Original Petition, Application for Injunctive Relief, and Request for Disclosures against Defendant in the 152<sup>nd</sup> District Court of Harris County, Texas (the “Action”).<sup>1</sup>

Plaintiff brings four attempted causes of action against Defendant. More specifically, Plaintiff alleges claims for breach of contract, declaratory judgment, violation of Texas Property Code §5.065, and violation of the Real Estate Settlement Procedures Act (“RESPA”) and

---

<sup>1</sup> See Petition, Exhibit D-1. All of the filings from the Action are attached hereto as Exhibits. The docket sheet for the Action appears at Exhibit B.

Regulation X. Plaintiff also sought an *ex parte* temporary restraining order, which was granted on May 5, 2025, and is set for hearing on May 15, 2025.<sup>2</sup> Through the Action, Plaintiff seeks to enjoin the foreclosure sale of the Property.

**FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. § 1331**

This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, 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 (“RESPA”) and Regulation X.<sup>3</sup> RESPA “protects real estate consumer by ensuring that consumers are provided with greater and more timely information on the nature and costs of the settlement process.” *Hicks v. Chase Home Fin., LLC*, No. 03-13-00007-CV, 2014 Tex. App. LEXIS 8840, at \*1 (Tex. App.—Austin Aug. 13, 2014, no pet.); 12 U.S.C.S. §§ 2601(a)-2617. This civil action is properly removed to this Court because the state court where the action has been pending is located within this district and division. *See* 28 U.S.C. § 124(b)(2) (specifying that Harris County falls within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division).

As stated above, Plaintiff alleges that Defendant violated RESPA by allegedly making “several material misrepresentations of fact to Plaintiff.”<sup>4</sup> Finally, Plaintiff asserted that she sent a qualified written request to Defendant about the reinstatement amount, Defendant failed to provide a validation of the debt owed, and “Plaintiff has yet to receive the validation of debt, which has prevented her from moving forward with reinstatement.”<sup>5</sup> Plaintiff contends that Defendant’s alleged failure to provide a response to her qualified written request for verifiable information “is

---

<sup>2</sup> *See* Signed TRO, Exhibit E.

<sup>3</sup> *See* Petition, Exhibit D-1, ¶¶ 11, 29-32.

<sup>4</sup> *Id.*, ¶ 11.

<sup>5</sup> *Id.*

a direct violation of the Real Estate Settlement Procedures Act ('RESPA')."<sup>6</sup> As such, the federal question is presented on the face of Plaintiff's Petition—namely, whether Defendant failed to abide by the aforementioned federal statute and regulation. Plaintiff's federal based claim establishes federal question jurisdiction in this Court. 28 U.S.C. § 1331. Accordingly, the Court has jurisdiction over this RESPA claim because it arises under the laws of the United States. 28 U.S.C. § 1331; *see Empire Healthchoice Assur., Inc. v. McVeigh*, 547 U.S. 677, 690 (2006) (clarifying that there is federal question jurisdiction when a well-pleaded complaint establishes that federal law creates the cause of action).

The Court should also exercise supplemental jurisdiction over the Plaintiff's remaining state-law claims because federal-question jurisdiction under 28 U.S.C. § 1331 is proper and the state-law claims derive from a common nucleus of operative facts. See 28 U.S.C. § 1367; *Arena v. Graybar Elec. Co., Inc.*, 669 F.3d 214, 221–22 (5th Cir. 2012) ("In order for a federal court to invoke supplemental jurisdiction...it must first have original jurisdiction over at least one claim in the action.") (internal quotations omitted).

### **DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332**

This Court has original jurisdiction over the Action pursuant to 28 U.S.C. §§1332 and 1441 because: (1) there is complete diversity between Plaintiff and Defendant; and (2) the amount in controversy exceeds \$75,000 exclusive of interest and costs.

#### **A. Complete Diversity Exists.**

There is complete diversity between Plaintiff and Defendant.

---

<sup>6</sup> *Id.*

**1. Plaintiff is a Citizen of Texas.**

Plaintiff is an individual domiciled in Harris County, Texas.<sup>7</sup> Therefore, for diversity purposes, Plaintiff is a citizen of Texas.

**2. PHH Mortgage Corporation is a Citizen of New Jersey.**

Defendant PHH is a citizen of New Jersey for the purposes of diversity jurisdiction. PHH is a corporation. When considering diversity of citizenship, “a corporation shall be deemed to be a citizen of every State...by which it has been incorporated and of the State...where it has its principal place of business.” 28 U.S.C. §1332(c)(1). A “principal place of business” refers to the place where the corporation’s high level officers direct, control, and coordinate the corporation’s activities. *See Hertz Corp. v. Friend*, 559 U.S. 77, 80 (2010). PHH is incorporated in New Jersey and has its principal place of business in New Jersey. Therefore, PHH is a citizen of New Jersey for diversity purposes. *See Bohannon v. PHH Mortg. Corp.*, 665 F. App’x 760, 761 n.2 (11th Cir. 2016) (PHH is a citizen of New Jersey).

**B. Amount in Controversy Met.**

The amount in controversy exceeds \$75,000 exclusive of interest and costs. Plaintiff fails to make a claim for relief, as required by Rule 47 of the Texas Rules of Civil Procedure. However, Plaintiff seeks injunctive relief regarding the sale of the Property.<sup>8</sup> Further, “[i]n actions seeking declaratory or injunctive relief, it is well established that the amount in controversy is measured by the value of the object of the litigation.” *Hunt v. Washington State Apple Advertising Comm’n*, 432 U.S. 333, 97 S. Ct. 2434, 2443, 53 L. Ed. 2d 383 (1977). “[W]hen the validity of a contract or a right to property is called into question in its entirety, the value of the property controls the amount in controversy.” *Waller v. Professional Ins. Corp.*, 296 F.2d 545, 547–48 (5th Cir. 1961).

<sup>7</sup> See Petition, Exhibit D-1, ¶ 2.

<sup>8</sup> *Id.* at ¶¶ 38-44



A common method of establishing the value of real property is to look to a county appraisal district's assessment. *Statin v. Deutsche Bank Nat. Trust Co.*, 599 F. App'x 545, 546-47 (5th Cir. 2014). Where "[t]he purpose of the injunctive [or] declaratory relief [is] to stop the foreclosure sale of . . . properties, 'the amount in controversy . . . is the value of the right to be protected or the extent of the injury to be prevented.'" *Farkas v. GMAC Mortg., LLC*, 737 F.3d 338, 341 (5th Cir. 2013) (quoting *Leininger v. Leininger*, 705 F.2d 727, 729 (5th Cir. 1983)). Here, Plaintiff seeks to enjoin the sale of the Property.<sup>9</sup> The Harris County Appraisal District most recently set the value of the Property at \$432,350.00,<sup>10</sup> Accordingly, the amount in controversy for the relief sought by Plaintiff in this action exceeds \$75,000, exclusive of interest and costs.

### **NOTICE OF REMOVAL IS TIMELY**

Defendant PHH timely filed this Notice of Removal within 30 days of its receipt of a copy of the initial pleading establishing that this case is removable to this Court. 28 U.S.C. § 1446(b). Plaintiff filed this lawsuit on May 1, 2025, and Defendant filed its Notice of Removal on May 14, 2025. Notice of this removal is also being filed in the state court where the action is currently pending, and this Notice of Removal is also being served on Plaintiff through her 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 H.

### **VENUE IS PROPER IN THIS COURT**

Venue in this Court is proper under 28 U.S.C. §§ 1441(a) and 1446(a), which provide for removal of any civil action to the federal district court for the district and division embracing the place where the state court action is pending. This Court embraces the 152<sup>nd</sup> Judicial District Court of Harris County, Texas, which is the state court in which this Action was filed and pending. *See*

---

<sup>9</sup> *Id.*

<sup>10</sup> *See* Harris County Appraisal District Report, Exhibit G.

28 U.S.C. § 124(b)(2) (specifying that Harris County falls within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division).

**ALL PROCEDURAL REQUIREMENTS FOR REMOVAL SATISFIED**

Pursuant to 28 U.S.C. §1446(a), true and correct copies of all process, pleadings, orders and docket sheets from the state court file of the Action are being filed with this Notice of Removal. Defendant is filing with the clerk of the state district court in which this Action is pending, and is serving upon Plaintiff, a Notice of Removal, together with Notice of Removal and supporting documentation, pursuant to 28 U.S.C. §1446(d).

Specifically, pursuant to 28 U.S.C. § 1446(a), and Local Rule 81.1, the following documents are attached to this Notice:

1. An index of matters being filed is attached as **Exhibit A**;
2. The state court's docket sheet is attached as **Exhibit B**;
3. All state court executed process, issued citations, and/or requests for issuance of citations in this case are attached as **Exhibit C**;
4. State court pleadings, answers, and other filings are attached as **Exhibits D-1 through D-5**;
5. All orders signed by the state judge and other notices are attached as **Exhibit E**;
6. Federal Certificate of Interested Persons attached as **Exhibit F**;
7. Harris County Appraisal District Report in support of federal Notice of Removal attached as **Exhibit G**; and
8. A copy of Defendant's Notice of Filing Notice of Removal to be filed in the state court action is attached as **Exhibit H**.

**REMOVAL IS PROPER TO THIS COURT**

Defendant has met the requirements for removal of this Action to this Court under 28 U.S.C. §§ 1331, 1332, 1441, and 1446. This Notice of Removal is filed subject to and without waiver of all rights and defenses of Defendant to Plaintiff's claims herein.

**PRAYER**

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

DATED: May 14, 2025

Respectfully submitted,

**DYKEMA GOSSETT PLLC**

By: /s/ Joe Rubio III

Joe Rubio III

State Bar No. 24084576

[JRubio@dykema.com](mailto:JRubio@dykema.com)

Tara S. Kern

State Bar No. 24099283

[TKern@dykema.com](mailto:TKern@dykema.com)

Comerica Bank Tower

1717 Main Street, Suite 4200

Dallas, Texas 75201

Telephone: (214) 462-6400

Facsimile: (214) 462-6401

**ATTORNEYS FOR DEFENDANT  
PHH MORTGAGE CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all parties or counsel of record on May 14, 2025, in compliance with the Federal Rules of Civil Procedure.

/s/ Joe Rubio III  
Joe Rubio III

4911-4128-6723.2

Unofficial Copy Office of Marilyn Burgess District Clerk