Electronically Filed
11/3/2023 2:27 PM
Steven D. Grierson
CLERK OF THE COURT

NRE
LOREN S. YOUNG, ESQ.
Nevada Bar No. 7567
LINCOLN, GUSTAFSON & CERCOS, LLP
[redacted]

Attorneys for Defendant, TD BANK/TARGET

DISTRICT COURT

CLARK COUNTY, NEVADA

LUBA DACE, PHILIP DACE, Plaintiffs, -against- TD BANK/TARGET, Defendant.	CASE NO: A-23-876885-C DEPT: 11 **NOTICE TO STATE COURT OF REMOVAL OF CASE TO FEDERAL COURT**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE, that on November 2, 2023, Defendant TD Bank USA, N.A.[1] filed a Notice of Removal of this action from the District Court for Clark County, Nevada, where it is now pending, to the United States District Court for the District of Nevada, a copy of which is attached hereto.

Dated: November 3, 2023

LINCOLN, GUSTAFSON & CERCOS, LLP

By: */s/ Loren S. Young*
[redacted]
Bank USA, N.A.

[1] Defendant was incorrectly named in the case caption as "TD Bank/Target." TD Bank USA, N.A. is the entity that issued the Plaintiffs' accounts (the "Accounts") and is the proper Defendant in this action. Target Corporation ("Target") is the servicer of the Accounts.

Luba Dace and Philip Dace v. TD Bank
Clark County Case No. A-23-876885-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of November, 2023 I served a copy of the attached **NOTICE TO STATE COURT OF REMOVAL OF CASE TO FEDERAL COURT** to all parties on the Odyssey E-Service Master List as follows:

Luba Dace, Plaintiff pro se
o se
[redacted]

/s/ Cheryl Giammona
Cheryl Giammona, an employee
of the law offices of
Lincoln, Gustafson & Cercos, LLP

Exhibit “A”

NOTC
LOREN S. YOUNG, ESQ.
Nevada Bar No. 7567
LINCOLN, GUSTAFSON & CERCOS, LLP
[redacted]
Attorneys for Defendant, TD BANK/TARGET

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LUBA DACE, PHILIP DACE, Plaintiffs, -against- TD BANK/TARGET, Defendant.	CASE NO: **NOTICE OF REMOVAL**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE, that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant TD Bank USA, N.A. ("TD Bank" or "Defendant")[1] hereby gives notice of the removal of this action from the District Court for Clark County, Nevada where it is now pending, to the United States District Court for the District of Nevada. In support of this Notice of Removal, Defendant states:

1. Plaintiff filed an Amended Complaint ("Complaint") styled *Luba Dace, Philip Dace v. TD Bank/Target*, bearing Case No. A-23-876885-C, before the District Court for Clark County, Nevada. A copy of the Complaint is annexed hereto as Exhibit A.

2. TD Bank received notice of the Amended Complaint on or about October 9, 2023.

3. In sum and substance, the Amended Complaint alleges that TD Bank failed to validate a debt owed by Plaintiffs despite Plaintiffs' repeated efforts to validate same, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"). Accordingly, this

[1] Defendant was incorrectly named in the case caption as "TD Bank/Target." TD Bank USA, N.A. is the entity that issued the Plaintiffs' accounts (the "Accounts") and is the proper Defendant in this action. Target Corporation ("Target") is the servicer of the Accounts.

action may be removed pursuant to 28 U.S.C. § 1441(a) as this Court has federal question jurisdiction under 28 U.S.C. § 1331.

4. Additionally, the Court has supplemental jurisdiction over any state law claims, to the extent such claims exist, pursuant to 28 U.S.C. § 1367.

5. This Notice of Removal is timely filed within thirty (30) days after Defendant received a copy of the pleadings setting forth the claims for relief and existence of federal question jurisdiction. 28 U.S.C. § 1446(b); *see also Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 348-49 (1999).

6. A civil cover sheet and the payment of the required filing fee accompanies this Notice.

7. Written notice of this Notice of Removal will be filed in the District Court for Clark County, Nevada.

8. TD Bank makes no admission of liability by this Notice of Removal and expressly reserves its right to raise all defenses and objections to Plaintiff's claims after the action is removed to the above Court, including, without limitation, any objections to the merits and sufficiency of the pleadings asserted by Plaintiff.

WHEREFORE, Defendant TD Bank respectfully requests that this action be removed from the District Court for Clark County, Nevada to the United States District Court for the District of Nevada.

Dated this 3rd day of November, 2023.

LINCOLN, GUSTAFSON & CERCOS, LLP

By: */s/ Loren S. Young*

[redacted]

TD Bank USA, N.A.

Luba Dace and Philip Dace v. TD Bank
U.S.D.C. Case No.:

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of LINCOLN, GUSTAFSON & CERCOS, LLP, and that on this 3rd day of November, 2023, I did cause a true and correct copy of the foregoing **NOTICE OF REMOVAL** to be served via U.S Postal Service and E-mail to the parties listed below:

Luba Dace, Plaintiff pro se
o se
[redacted]

/s/ Cheryl Giammona
Cheryl Giammona, an employee
of the law offices of
Lincoln, Gustafson & Cercos, LLP

EXHIBIT A

Electronically Filed
9/29/2023 2:49 PM
Steven D. Grierson
CLERK OF THE COURT

Luba Dace
Philip Dace
[redacted]
Las Vegas NV, 89118
[redacted]

DISTRICT COURT
CLARK COUNTY, NEVADA

LUBA DACE, PHILIP DACE Plaintiff, v. TD BANK/TARGET, Defendant.	Case No.: A-23-876885-C Dept. No.: 11 COMPLAINT FOR VIOLATION OF FDCPA 15 U.S.C. §1692

Comes now, Luba Dace and Philip Dace in Propria Persona, in the above styled cause and for their complaint against TD BANK/TARGET and states as follows:

Jurisdiction and Venue

This is an action by a consumer for violations of the Fair Debt Collection Practices Act, (15 U.S.C. § 1692 et seq. [hereinafter "FDCPA"]). Therefore, subject matter jurisdiction exists under 28 U.S.C. § 1331.

Parties

The Plaintiff, Luba Dace [Plaintiff] is a woman. Plaintiff, [Plaintiff] Philip Dace is man.

Defendant, TD BANK/TARGET [Defendant] is a company that engages in the business of issuing consumer credit. (i.e., a creditor under the FDCPA) and it does business in this judicial district. Its principal place of business is outside of the state of Nevada.

Factual Allegations

Within the last three (3) months Plaintiffs attempted several times to validate a debt purported to be owed to the Defendant. Plaintiffs made repeated mailings [on or around 20 July 2023, 4 August 2023, 28 August 2023] that sought to validate the debt so Plaintiffs could pay. Defendant never validated the debt, and the inaccurate, unvalidated **TD BANK/TARGET 585975XXX...** and **TD BANK/TARGET 5859752181 86XXX...**still appears on Plaintiff's respective credit reports in violation of the FDCPA. Plaintiffs continue to suffer emotional distress and anxiety as a result of this breach of duty by Defendant.

Relief Sought

Delete **TD BANK/TARGET 585975XXX...** and **TD BANK/TARGET 5859752181 86XXX...**from both Plaintiffs respective credit files with both the major and smaller reporting agencies. Any other relief this court may deem just and proper.

Signed under penalty of perjury.

29 SEP 2023

I AFFIRM that a copy of this COMPLAINT was mailed/delivered to Defendant.

Philip Dace *Luba Dace*

_____ _____

Philip Dace Luba Dace

Electronically Filed
10/13/2023 12:47 PM
Steven D. Grierson
CLERK OF THE COURT

Luba Dace, Philip Dace
[redacted]
Las Vegas NV, 89118
[redacted]
In Propria Persona

DISTRICT COURT

CLARK COUNTY, NEVADA

LUBA DACE, PHILIP DACE Plaintiff, v. TD BANK/TARGET, Defendant.	Case No.: A-23-876885-C Dept. No.: 11 EXHIBITS FOR VIOLATION OF FDCPA 15 U.S.C. §1692

EXHIBIT A – Credit Report #1. Snapshot showing credit report before validation request.

EXHIBIT B – Copy of All Letters Sent to Defendant.

EXHIBIT C – Response from creditor *(only if sent with Tracking or via Certified/Registered)*.

EXHIBIT D – Credit Report #2. Snapshot showing credit report after validation request.

EXHIBIT E – UCC Presentment. Law stating how presentments must be made to be legal.

EXHIBIT F – USC Validation. Law stating how collections must proceed after a validation request.

EXHIBIT G – Non-Original Promissory Note. This proof is submitted with *ghoulish overtones*. It is a copy of a $100 US Note. If a debt which did not require BOTH

PARTIES signatures, or is not required to be an original - must be allowed to be paid with non-original debt notes as well (i.e. the $100 photocopied note printed ad infinitum).

EXHIBIT H – FDCPA Fine. Law stating how much is owed for violations of the FDCPA laws.

EXHIBIT I – CFPB Bulletin. Outline of deceptive claims made by debt collectors. Proof why one may have paid an alleged debt while still fighting it.

EXHIBIT J – UCC Negotiable Instrument. Outlines what is required for the acceptance of the previously sent *Notice of Fault & Opportunity to Cure*, namely that is a negotiable instrument that was agreed to by *tacit acquiescence* (consent by silence, common law accepts 30 days).

I AFFIRM that a copy of these EXHIBITS was mailed/delivered to Defendant.

Luba Dace

_____

Luba Dace
13 OCT 2023

EXHIBIT A

99+

Your credit reports

Experian Equifax TransUnion

Experian credit report

LUBA SNOW

As of Jun 28, 2023

FICO SCORE 8

Experian data Jun 28, 2023

644

FAIR

300 850

Personal information

NAME

LUBA SNOW

ALSO KNOWN AS

LUBA DACE

GENERATIONAL IDENTIFIER

-

YEAR OF BIRTH

1980

ADDRESSES

[redacted]

LYNDEN, WA 98264-9391

EMPLOYERS

-

PERSONAL STATEMENTS

06& 03-10-23 0000000 ID FRAUD VICTIM ALERT FRAUDULENT APPLICATIONS MAY BE SUBMITTED IN MY NAME OR MY IDENTITY MAY HAVE BEEN USED WITHOUT MY CONSENT TO FRAUDULENTLY OBTAIN GOODS OR SERVICES. DO NOT EXTEND CREDIT WITHOUT FIRST CONTACTING ME [redacted] OR EVENING [redacted]. THIS VICTIM ALERT WILL BE MAINTAINED FOR SEVEN YEARS BEGINNING 03-10-23.

Quick actions

Print your report
Open a printable version

You have 9 open accounts

Total balance: $6,275

Credit cards or credit lines

Total balance: $6,275

11% credit usage

Credit used: **$6,258**

Credit limit: **$58,450**

| 6% | 30% |

BANK OF AMERICA AUTHORIZED USER >
Link card name | What's this?
Balance $712
Balance updated Jun 15, 2023

BANK OF AMERICA AUTHORIZED USER >
Link card name
Balance $289
Balance updated Jun 15, 2023

BANK OF AMERICA AUTHORIZED USER >
Link card name
Balance -
Balance updated -

BARCLAYS BANK/OLD NAVY >
Link card name
Balance $0
Balance updated Jun 20, 2023

CAPITAL ONE AUTHORIZED USER >
(Capital One Walmart Rewards® Mastercard®) Unlink card name
Balance $140
Balance updated Jun 17, 2023

CAPITAL ONE >
Link card name
Balance $2,017
Balance updated Jun 02, 2023

CITI >
(Costco Anywhere Visa® Card by Citi) Unlink card name
Balance $149
Balance updated Jun 01, 2023