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9 *Attorney for Figure Lending LLC*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 ALBERT VILLANUEVA, on behalf of  
13 himself and all other similarly situated  
14 individuals;

15 Plaintiff,

16 v.

17 FIGURE LENDING LLC, and DOES 1  
through 50, inclusive,

18 Defendants.

Case No. 3:24-cv-00177

**NOTICE OF REMOVAL OF CIVIL ACTION  
TO THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF NEVADA  
UNDER 28 U.S.C. § 1331 AND § 1441**

(SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, WASHOE  
COUNTY, CASE NO. CV24-00635)

19  
20 **TO: THE CLERK OF THE ABOVE-ENTITLED COURT:**

21 **PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. §§ 1331 and 1441, Defendant Figure  
22 Lending LLC (“Figure” or “Defendant”) hereby invokes this Court’s subject-matter jurisdiction and  
23 removes the state court action described herein from the Second Judicial District Court of the State  
24 of Nevada in and for the County of Washoe to the United States District Court for the District of  
25 Nevada.

26 Removal to this Court is proper for the following reasons:

27 1. **Service of Pleadings:**

28 a. **Summons and Complaint.** On or about March 20, 2024, Plaintiff filed, in the

1 Second Judicial District Court in and for the State of Nevada, County of Washoe, the civil action  
2 entitled *Albert Villanueva v. Figure Lending LLC, et al.*, Case No. CV24-00635 (the “State Court  
3 Action”). On or about March 28, 2024, Plaintiff served the summons and complaint in the State  
4 Court Action on Defendant via Defendant’s agreement to accept service of process via counsel.  
5 Copies of the Summons and Complaint are attached hereto as **Exhibit 1**.

6 b. **Additional Pleadings**: No other process, pleadings, or orders have been  
7 served on the Defendant in the State Court Action.

8 2. **Removal is Timely**: Defendant has not pled, answered, or otherwise appeared in the  
9 State Court Action. Defendant files this Notice of Removal within thirty (30) days after service of  
10 the initial pleading setting forth the claims for relief upon which Plaintiff’s State Court Action is  
11 based. This Notice of Removal is therefore timely filed pursuant to 28 U.S.C. § 1446(b)(1).

12 3. **Federal Question Jurisdiction**: This is a civil action over which this Court has  
13 original and supplemental jurisdiction under 28 U.S.C. §§ 1331, 1367, and 1441(a). In his  
14 Complaint, Plaintiff asserts two causes of action: for unpaid overtime under the federal Fair Labor  
15 Standards Act (29 U.S.C. §207), and for unpaid overtime and waiting time penalties under Nevada  
16 state law (NRS Chapter 608). As Plaintiff’s first cause of action asserts a federal question, this  
17 Court has original jurisdiction over such claims pursuant to 28 U.S.C. § 1331. Any additional  
18 claims, including Plaintiff’s second cause of action under Nevada state law, is subject to this Court’s  
19 supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

20 4. **Proper Venue and Forum**: This Court is a proper venue and forum for removal  
21 pursuant to 28 U.S.C. § 1441(a) because Plaintiff filed the State Court Action in the Second Judicial  
22 District Court of the State of Nevada, in and for Washoe County.

23 5. **Notice to State Court**: In accordance with 28 U.S.C. § 1446(d), the undersigned  
24 certifies that concurrently with the filing of this Notice, copies of this Notice are being served on  
25 Plaintiff and filed with the Clerk of the Court in the Second Judicial District Court of the State of  
26 Nevada, in and for Washoe County.

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6. **Rule 11 Certification:** This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure as required by 28 U.S.C. § 1446(a).

7. **No Waiver:** Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of Defendant’s right to assert any defense or affirmative matter including, but not limited to, the defenses of Plaintiff having failed to state a cognizable legal claim, or any other procedural or substantive defense available to Defendant.

WHEREFORE, Defendant Figure Lending LLC removes the action pending in the Second Judicial District Court of Nevada, in and for the County of Washoe, as Case No. CV24-00635 to the United States District Court for the District of Nevada.

Dated: April 19, 2024

**FENNEMORE CRAIG, P.C.**

/s/ Shannon S. Pierce  
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*Attorneys for Figure Lending LLC*

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**INDEX OF EXHIBITS**

<b>Exhibit No.</b>	<b>Description</b>
1	Summons and Complaint

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of FENNEMORE CRAIG, P.C., and that on this date, pursuant to FRCP 5(b), I am serving a true and correct copy of the attached NOTICE OF REMOVAL OF CIVIL ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA UNDER 28 U.S.C. § 1331 AND § 1441 on the parties set forth below by:

- XX Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices
- \_\_\_\_\_ Certified Mail, Return Receipt Requested
- \_\_\_\_\_ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered
- \_\_\_\_\_ Federal Express
- XX E-service via CM/ECF

addressed as follows:

Joshua D. Buck, Esq.  
Leah L. Jones, Esq.  
Thierman Buck  
325 W. Liberty Street  
Reno, Nevada 89501  
[josh@thiermanbuck.com](mailto:josh@thiermanbuck.com)  
[leah@thiermanbuck.com](mailto:leah@thiermanbuck.com)

*Attorneys for Plaintiff*

DATED this 19<sup>th</sup> day of April, 2024.

/s/ Linda S. Bailey  
An employee of FENNEMORE CRAIG, P.C.

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