

**IN THE COUNTY COURT IN OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA**

JEREMIAH-MATTHEW ANDERSON

CASE NO. 2024-29084-CODL

Plaintiff,

v.

WESTLAKE FINANCIAL SERVICES,

Defendant.

_____ /

**DEFENDANT WESTLAKE FINANCIAL SERVICES'
NOTICE OF FILING NOTICE OF REMOVAL**

**TO: THE CLERK OF THE COUNTY COURT OF THE SEVENTH JUDICIAL
CIRCUIT IN AND FOR VOLUSIA COUNTY, FLORIDA**

PLEASE TAKE NOTICE that on today's date, Defendant WESTLAKE FINANCIAL SERVICES, filed a Notice of Removal removing this action to the United States District Court for the Middle District of Florida, Volusia Division. A copy of the Notice of Removal, without exhibits, is attached. The Notice of Removal and all exhibits will be served on all parties of record. Pursuant to 28 U.S.C. § 1446(d), this matter shall proceed no further unless and until the case is remanded to this Court by the United States District Court.

Dated: August 29, 2025.

Respectfully Submitted,

LIEBLER, GONZALEZ & PORTUONDO

Counsel for Defendant

Courthouse Tower - 25th Floor

44 West Flagler Street

Miami, FL 33130

Tel: (305) 379-0400

By: /s/ James R. Liebler, II

JAMES R. LIEBLER, II

Florida Bar No. 115348

BERJOLYNA PRINCILIS

Florida Bar No. 1011417

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2025, I electronically filed the foregoing with the Clerk of Courts by using the Florida Courts E-filing Portal which will send a notice of electronic filing to the following: Jeremiah-Matthew Anderson; 3634 Watermelon Lane, New Smyrna Beach, FL 32168 (cuo@treeai.us).

/s/ James R. Liebler, II

JAMES R. LIEBLER, II

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

JEREMIAH-MATTHEW
ANDERSON,

Plaintiff,

CASE NO.

State Court Case No. 202429084CODL

v.

WESTLAKE SERVICES LLC d/b/a
WESTLAKE FINANCIAL
SERVICES,

Defendant.

DEFENDANT WESTLAKE SERVICES, LLC'S NOTICE OF REMOVAL

Westlake Services, LLC dba Westlake Financial Services (Westlake”), removes this action from the Circuit Court of Volusia County, Florida, to the United States District Court for the Middle District of Florida. As set forth below, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. Removal is based on federal-question jurisdiction. In support of its Notice of Removal, Westlake states the following:

I. STATE COURT ACTION

1. On November 5, 2024, Plaintiff Jeremiah-Matthew Anderson, (“Plaintiff”) filed a Complaint for Replevin (“Complaint”) of that certain 2011 Ford F-450, VIN 1FT8W4DT0KED23046 (the “Vehicle”).

2. On November 6, 2024, the Court entered an Order Dismissing

Plaintiff's ("Order of Dismissal"). In its Order of Dismissal, the Court found the Complaint failed to address the specific requirements for replevin in Florida Statute § 78.0555(1), (5). The Order of Dismissal provided Plaintiff with 20 days to amend.

3. On November 8, 2024, Plaintiff filed an Amended Complaint for Replevin ("Amended Complaint") seeking possession of the Vehicle.

4. On March 26, 2025, the Court entered an order finding that Plaintiff's claim for replevin was moot as a result of the subject vehicle being sold and Plaintiff failing to properly serve Westlake. The Court ruled that Plaintiff may seek leave to amend his Complaint.

5. Plaintiff filed a second amended complaint on April 17, 2025 ("Second Amended Complaint"), alleging violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*; Florida Consumer Collection Practices Act, FLA. STAT. § 559.55, *et seq.*; and Fair Credit Reporting Act ("FCRA") 15 U.S.C. § 1681, *et seq.*; and additional claims for breach of contract, unjust enrichment, replevin, and civil theft.

II. MEMORANDUM OF LAW IN SUPPORT OF REMOVAL

A. Removal Is Timely Pursuant to 28 U.S.C. § 1446(b).

6. A litigant's notice of removal must be filed within thirty days after *receiving* the initial pleading or service of summons in the state court action. 28 U.S.C. § 1446(b). However, "[i]f the case stated by the initial pleading is not

removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order, or other paper from which it may first be ascertained that the case is one which is or has become removable.” *Id.*

7. Plaintiff filed the Second Amended Complaint on April 17, 2025, but never served Westlake with a copy. Counsel for Westlake discovered the Second Amended Complaint on August 11, 2025.

B. Removal Is Proper as the Petition Invokes a Federal Question.

8. Removal is proper based on federal question jurisdiction pursuant to 28 U.S.C. § 1331, which states “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

9. “Whether a claim arises under federal law is governed by the well-pleaded complaint rule, which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Dunlap v. G&L Holding Grp., Inc.*, 381 F.3d 1285, 1290 (11th Cir. 2004) (internal quotation marks and citation omitted).

10. Plaintiff’s Second Amended Complaint asserts claims under federal law, specifically the FDCPA and FCRA.

11. Plaintiff’s FDCPA and FCRA claims are created by, and rooted in, federal statutes, forming the basis for removal to this Court. *See Merrell Dow*

Pharm., Inc. v. Thompson, 478 U.S. 804, 808 (1986) (stating that general federal-question jurisdiction exists where federal law creates the cause of action).

C. Prerequisites for Removal Have Been Met.

12. In addition to timeliness, Westlake satisfies procedural requirements for removal.

13. Removal to Proper Court. This Court is the proper division because it includes the State Court where the Plaintiff's action was originally filed. *See* 28 U.S.C. §§ 1441, 1446(a). Accordingly, venue is proper in this Court pursuant to 28 U.S.C. § 1446(a).

14. Pleadings and Process. Attached as **Composite Exhibit A** are all process, pleadings, and motions filed in the State Court Action, together with the Complaint and an online docket listing all State Court Action filings. *See* 28 U.S.C. § 1446(a).

15. Notice. Pursuant to 28 U.S.C. § 1446(d), this Notice of Removal is being served on Plaintiff and filed with the State Court Clerk. A copy of the State Court Notice of Filing of Notice of Removal, without its exhibits, is part of **Composite Exhibit A**.

16. Signature. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. *See* 28 U.S.C. § 1446(a).

WHEREFORE, Westlake removes this action from the State Court to the

United States District Court for the Middle District of Florida.

DATED: August 29, 2025.

Respectfully submitted,

LIEBLER, GONZALEZ & PORTUONDO

Counsel for Defendant

Courthouse Tower - 25th Floor

44 West Flagler Street

Miami, FL 33130

Tel: (305) 379-0400

By: /s/ James R. Liebler, II

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