

FILED
U.S. District Court
District of Kansas

IN THE UNITED STATES DISTRICT COURT JAN 07 2026

FOR THE DISTRICT OF KANSAS
TOPEKA DIVISION

Clerk, U.S. District Court
By  Deputy Clerk

CROWN ASSET MANAGEMENT,
A GEORGIA LLC,
Plaintiff,

v.

Jacob Maldonado,
a Missouri resident,
Defendant, Pro Se

5:26-cv-04003-JWB-ADM

Case No. _____

Pursuant to 28 U.S.C. § 1446, et al.

Civil Action No. CF-2025-LM-000110

(District Court of Coffey County)

PETITION FOR REMOVAL

May it please this Honorable Court:

Defendant, Jacob Maldonado, by and through pro se representation, submit this Petition for Removal of the above-captioned case, Civil Action: CF-2025-LM-000110, from the District Court of Coffey County to the United States District Court for the District of Kansas, Topeka Division; pursuant to 15 U.S.C. § 1692g (b), 15 U.S.C. § 1692k (d), 28 U.S.C. § 1331, 1441, et al.

Along with the following facts and basis:

This case arises from Title 15 United States Code Chapter 41 Subchapter V – the Fair Debt Collection Practices Act, more commonly known as the FDCPA.

This Act, more specifically 15 U.S.C. § 1692g, 15 U.S.C. § 1692k, and 15 U.S.C. § 1692k (d) provide the basis for original jurisdiction under 28 U.S.C. § 1331 – Federal question.

Whereby, “...any debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such person...”

A. JURISDICTION AND VENUE

1. Pursuant to the Fair Debt Collection Practices Act, this court has original jurisdiction:

a. Pursuant to 15 U.S.C. § 1692 (a):

“There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.”

b. Pursuant to 15 U.S.C. § 1692g (b):

“If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector...”

c. Pursuant to 15 U.S.C. § 1692k:

“Except as otherwise provided by this section, any debt collector who fails to comply with any provision of this subchapter to any person is liable to such person in an amount equal to the sum of - (1) Any actual damage sustained by such person as a result of such failure; (2) (A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000...”

d. Pursuant to 15 U.S.C. § 1692k (d), this Petition for Removal is timely:

“An action to enforce any liability created by this subchapter may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within one year from the date on which the violation occurs.”

2. Pursuant to 28 U.S.C. § 1331, this court has subject matter jurisdiction:

“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

3. Pursuant to 28 U.S.C. § 1441, this court and division is the proper venue:

(a) Generally. — “Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

4. Pursuant to 28 U.S.C. § 1441 (c) (1):

“If a civil action includes- (A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and (B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute, the entire action may be removed if the action would be removable without the inclusion of the claim described in paragraph (B).

B. BACKGROUND

1. On or about February 21st, 2025, defendant received correspondence from plaintiff attempting to collect on an alleged debt in the amount of \$20,666.75.
 - a. Correspondence received by defendant has been attached as Exhibit A.
 - b. Plaintiff mailed this correspondence to address of a commercial business owned by wife of the defendant; this address is not residential, or a location that defendant resides or dwells within.
2. Defendant is domiciled within Kansas City, Missouri, and is a resident of Jackson County.
 - a. Affidavit of Missouri Residence and Citizenship attached as Exhibit B.
 - b. Defendant was domiciled within Kansas City, Missouri, and a resident of Jackson County before receiving any correspondence, or any type of contact from the plaintiff attempting to collect on an alleged debt.
 - c. Defendant does not have any contracts, or debts with plaintiff in Coffey County.

3. On or about March 18th, 2025, defendant mailed a request for validation of debt to plaintiff as pursuant to Regulation F, 12 CFR part 1006.34.
 - a. Request for validation of debt attached as Exhibit C.
 - b. To date, plaintiff has failed to provide any validation of debt or standing to collect on any alleged debt.
 - i. At the time of this Petition for Removal, it has been over nine (9) months since Plaintiff has continued to litigate this case within the District Court of Coffey County, without having provided any validation of debt, even after various additional requests have been made by the defendant.
 - c. By failing to respond to defendant's timely validation demand, Plaintiff has violated 15 U.S.C. § 1692g(b).
 - i. This violation is a threshold federal law issue that arises in this case and establishes original federal question jurisdiction.
 - ii. Under the FDCPA, plaintiff's failure to validate alleged debt creates a strict liability violation.
 1. No intent to harm is required.
 2. No willfulness is required.
 3. Violation is automatic upon a debt collector when failing to respond within the statutory period.
 4. A debt collector cannot use civil actions brought within the State or State statutes to preclude their duty to validate debt, as required under the FDCPA.

4. In response to validation of debt request sent by defendant, on or about April 7th, 2025, Plaintiff filed petition under Chapter 61 of Kansas Statutes Annotated.

- a. Plaintiff's original State Court petition, a copy of all process, pleadings, and orders served upon defendant with District Court of Coffey County docket, attached as Exhibit D, and, pursuant to 28 U.S.C. § 1446 (a) with the local D. Kan Rule 81.2.
- b. Plaintiff filed this petition within the 4th Judicial District Court of Coffey County, Kansas, although Plaintiff is a resident of Georgia and defendant resides in Missouri.
- c. Defendant's right to due process and a trial within proper venue has been affected by plaintiff's attempts at collecting on an alleged debt within the wrong venue. Defendant's right to individual privacy has been injured by plaintiff.
- d. As a debt collector, plaintiff's actions to file petition within the wrong venue violate 15 U.S.C. § 1692i(a)(2).

- i. Pursuant to 15 U.S.C. § 1692i(a)(2):

- “in the case of an action not described in paragraph (1), bring such action only in the judicial district or similar legal entity – (A) in which such consumer signed the contract sued upon; or (B) in which such consumer resides at the commencement of the action.”

5. On or about April 15th, 2025, wife of defendant was served summons for defendant by process server at 101 N. 3rd St., Burlington, KS. 66839.

- a. Return on Service of Summons from State Court action brought by Plaintiff attached as Exhibit E.

- b. This building is a clearly marked commercial business address, not residential.
 - c. Goodfinds, LLC, is owned by wife of defendant, she operates a retail, clothing, and general merchandise store from this address.
- 6. On or about June 20th, 2025, defendant submitted, Answer with Affirmative Defense and Counterclaim for Failure to Validate Debt and Abusive Debt Collection Practices.
- 7. On or about June 23rd, 2025, the District Court of Coffey County scheduled Pretrial Conference for August 25th, 2025, at 9:45 AM.
- 8. On or about August 25th, 2025, Pretrial Conference was held with Judge Reynolds and Plaintiff, via Zoom Conference.
 - a. During Pretrial Conference, defendant asserted rights under the FDCPA, and again made plaintiff aware that the defendant does not reside within Coffey County, Kansas.
 - b. Defendant was assured by Plaintiff, and the District Court of Coffey County that discovery would allow plaintiff the time, and ability to provide validation of debt.
 - c. On or about June 23rd, 2025, the District Court of Coffey County notified parties of Pretrial Conference for October 27th, 2025, at 9:45 AM.
 - i. This Pretrial Conference was to be via Zoom Conference.
- 9. On or about July 29th, 2025, defendant served First set of Requests for Production of Documents, First Set of Requests for Admissions, and First Set of Interrogatories Directed to Plaintiff.
- 10. On or about August 20th, 2025, defendant filed Affidavit of Admissions from Plaintiff, With Motion for Default Judgment Against Plaintiff for Violating the Fair Debt Collection Practices Act.

- a. Plaintiff has failed to comply with discovery requests, and up until now, has not provided a response to any of the discovery requests.
- b. Plaintiff has failed to provide any assignment of debt for this alleged debt.
- c. Plaintiff has failed to provide a forward flow agreement from alleged assignor.
- d. Plaintiff has failed to provide a bill of sale for this alleged debt.

11. On or about October 22nd, 2025, plaintiff filed Responses to Defendant's Requests for Admissions to Plaintiff.

- a. Plaintiff failed to file response within 14 days as required by K.S.A.
- b. Pursuant to K.S.A. § 61-3103:

“(a) Any party may submit to another party up to 10 interrogatories. The party receiving the interrogatories shall submit answers or objections, if any, to the party submitting the same within 14 days after the interrogatories are submitted to the receiving party...”

12. On or about October 24th, 2025, defendant filed Motion to Deny Plaintiff's Motion out of Time, Pursuant to K.S.A. § 61-2904(c) (b), and for Sanctions Against Plaintiff for Violating the Fair Debt Collection Practices Act, as Pursuant to 15 U.S.C. § 1692k.

- a. Pursuant to K.S.A. § 61-2904 (c), plaintiff has waived the right to present any dispute to the defendant's counterclaim:

“If the defendant asserts a counterclaim against the plaintiff in the answer, the plaintiff may file a reply disputing the defendant's counterclaim not later than 14 days after service of the defendant's answer. The plaintiff's reply shall comply with the requirements set forth in subsection (b). If the plaintiff does not file a

reply, the plaintiff waives the right to present any dispute to the defendant's counterclaim."

13. On or about October 27th, 2025, Magistrate Judge Reynolds held Pretrial Conference with plaintiff, and defendant via Zoom Conference within the District Court of Coffey County, Kansas.

- a. Plaintiff claimed a defense that the Fair Debt Collection Practices Act is irrelevant to the matter because this action was brought under Kansas Statutes, not Federal Law. Therefore, the claims and, or defenses of defendant are moot.
- b. When defendant objected to these claims and, or made argument to plaintiff, the District Court of Coffey County, Magistrate Judge Reynolds, upheld that a Federal Question, and Title 15 Statutes do not apply within State Court venue.

14. On or about October 27th, 2025, the District Court of Coffey County, Kansas notified parties of Bench Trial Hearing on January 12, 2026, at 10:00 AM.

15. On or about October 28th, 2025, defendant once again attempted to settle this matter with Plaintiff via electronic mail. Defendant offered a settlement in the amount of \$2,000.00, for plaintiff's failure to comply with Statutes of the Fair Debt Collection Practices Act.

- a. This electronic mail correspondence and subsequent response from plaintiff is attached as Exhibit F.
- b. On or about November 11th, 2025, Plaintiff corresponded back through electronic mail. Summarily, plaintiff stated that:
 - i. The demands being made by defendant are moot because: "As the judge pointed out to you at the Pre-Trial Hearing, the statutes that you cite

below are all Federal statutes, but this claim is a Limited Actions claim under KS state law.”

- c. Plaintiff’s remarks that the Fair Debt Collection Practices Act are inapplicable within State, or Article I venue, are legally incorrect and provide waiver by estoppel for any Notice of Remand that plaintiff may submit to this Court.

C. EQUITABLE ESTOPPEL

Whereby, the District Court of Coffey County has erred in its pronouncement and judicial decision within the Pretrial Conference held on October 27th, 2025. Claims of Plaintiff, along with the District Judge, Reynolds, that the State Court does not have concurrent jurisdiction over FDCPA claims, or the applicability of federal law - are legally incorrect, and contrary of current jurisprudence, as such this causes equitable estoppel. There is a reasonable reliance that the public, as consumers, do not relinquish rights when a debt collector, acting as a Plaintiff, initiates a petition or complaint within an Article I venue. Especially, considering, that Congress enacted a Statute for this due to the “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors.”

This is a case that involves debt collection, a debt collector cannot claim defense of its federally mandated obligations due to it bringing a State action, and a debt collector cannot claim an action it presented before the Court be litigated solely under the State of Kansas’ contract law. A debt collector does not have the ability to evade validation of debt, or any of the other statutory provisions as outlined within the Fair Debt Collection Practices Act.

Congress clearly lies out the duality of jurisdiction, this provision and forethought by Congress are outlined within 15 U.S.C. § 1692k (d).

D. GROUNDS FOR REMOVAL

Wherefore,

Defendant has exhausted all reasonable measures at obtaining validation of debt from the Plaintiff, with no proof of standing having been presented, does Defendant Petition this Court for Removal and request that this court retain jurisdiction.

As pursuant to 28 U.S.C. § 1331, on the grounds of Federal Question and Diversity of Citizenship, as pursuant to 28 U.S.C. § 1332. More specifically, defendant asks this Court to provide equitable remedy in grounds for removal upon the following questions:

1. Whether Plaintiff has complied with 15 U.S.C. § 1692g (b).
2. Whether Plaintiff has complied with 15 U.S.C. § 1692c (c).
3. Whether Plaintiff has complied with 15 U.S.C. § 1692i (a).
4. Whether Plaintiff has complied with K.S.A. § 61-3103 (a).
5. Whether Plaintiff has complied with K.S.A. § 61-2904 (c).
6. If Plaintiff is civilly liable for damages pursuant to 15 U.S.C. § 1692k (a).
7. If Plaintiff is civilly liable for invading individual privacy of the defendant.
8. If Plaintiff is civilly liable for practicing abusive, deceptive, and unfair debt collection tactics against the defendant.
9. If Plaintiff's conduct harassed, oppressed, or abused defendant, as pursuant to 15 U.S.C. § 1692d.

E. PRAYER FOR RELIEF

Wherefore, Defendant, due to Plaintiff's invasion of individual privacy and conduct of abusive and deceptive debt collection tactics, respectfully requests that this Petition for Removal of Case No. CF-2025-LM-000110 from the District Court of Coffey County to the United States District Court for the District of Kansas, Topeka Division, be accepted.

Defendant asks this Court to retain jurisdiction over this matter and the preceding questions. Defendant also respectfully requests that this Court deny any motion to remand that may be filed by plaintiff. This court has proper jurisdiction, removal is timely as pursuant to 15 U.S.C. § 1692k (d), and plaintiff is not prejudiced since the Petition for Removal is filed within the "...district and division within which such action is pending..."

Defendant respectfully requests this Court to apply the Fair Debt Collection Practices Act to all debt collection activities alleged in this case. Recognizing the automatic FDCPA violation of 15 U.S.C. § 1692g (b), arising from plaintiff's failure to validate the alleged debt.

Defendant respectfully requests that the Court allow defendant to assert counterclaims under the FDCPA, including actual damages sustained and statutory damages of up to \$1,000 per violation, and grant such other relief as Court deems proper.

Due to the injury caused by plaintiff through the amount of time and cost spent on litigation, the defendant respectfully requests a jury trial, and for any further proceedings to be designated and held at the Robert J. Dole Courthouse in Kansas City.

F. CERTIFICATION AND COMPLIANCE

Defendant has respectfully signed this Petition for Removal as required under Rule 11 of the Federal Rules of Civil Procedure. Defendant certifies that:

1. This Petition for Removal is filed in good faith and not for purposes of delay or harassment;
2. This Petition for Removal is based on legal grounds that justify federal question and diversity jurisdiction, therefore petition is not frivolous;
3. Pursuant to 28 U.S.C § 1446 (d), Defendant will promptly give written notice to all adverse parties and shall file a copy of the notice with the clerk of State court.

I hereby certify that the applicable rules of federal procedure and the requirements of 28 U.S.C. § 1446 have been reviewed, and that this Petition for Removal is proper and complete. I further certify that I am competent to file this pleading and that the facts and statements contained herein are true and correct to the best of my knowledge.

Executed on this 7th, day of January 2026

Jacob Maldonado

Jacob Maldonado, Pro Se

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CASE NUMBER: CF-2025-LM-000110
PII COMPLIANT

**DEFENDANT'S
EXHIBIT**

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In The District Court of COFFEY County, Kansas

CROWN ASSET MANAGEMENT, LLC
Plaintiff

vs.

Case No:

Jacob Maldonado
Defendant

Defendant Address:
101 N 3rd Street
Burlington, KS 66839
Pursuant to Chapter 61 of
Kansas Statutes Annotated

PETITION
(RECOVERY OF MONEY)

COMES NOW the Plaintiff, Crown Asset Management, LLC, and for its cause of action against the Defendant, alleges and states as follows:

1. Plaintiff is a Limited Liability Company duly organized under law and is authorized to bring this action.
2. Defendant reside(s) in COFFEY County, Kansas.
3. At the request of Defendant, Plaintiff's assignor, Cross River Bank, issued a Consumer Loan to Defendant, subject to revolving credit terms agreed to by Defendant.
4. That the Agreement between the Plaintiff's assignor and Defendant included the provision that all accounts are charged an annual percentage rate subject to terms agreed to by the Defendant.
5. Defendant used the Consumer Loan and said assignor extended credit to Defendant pursuant thereto.

6. Defendant is in default of the terms of said revolving credit agreement for failure to make payments to said assignor when due.
7. For valuable consideration, said assignor assigned said account to Plaintiff.
8. After deducting all credits, there remains due and owing from Defendant to Plaintiff the amount of \$20,666.75 .
9. Due demand for payment was made by the Plaintiff on Defendant, but Defendant has failed, refused or neglected to pay the full amount due.
10. Defendant is not a member of the military service of the United States of America or its allies.

WHEREFORE, Plaintiff prays for a judgment against the Defendant in the amount of \$20,666.75, costs of this action, and reasonable attorney's fees as provided by law.

DATED: April 01, 2025

Crown Asset Management, LLC, Plaintiff,

By: /s/ Christina M. Milien
Christina M. Milien, #27732
Victor Finkelstein, #13410
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