

HALL & EVANS, LLC
1160 North Town Center Drive
Suite 330
Las Vegas, Nevada 89144
(702) 998-1022

1 **HALL & EVANS, LLC**
2 KURT R. BONDS, ESQ.
3 Nevada Bar No. 6228
4 CHARLES DESKINS, ESQ.
5 Nevada Bar No. 15532
6 1160 North Town Center Drive
7 Suite 330
8 Las Vegas, Nevada 89144
9 (702) 998-1022
10 nvefile@hallevans.com
11 *Attorneys for Aargon Agency, Inc.*

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 VALERIE MCDONALD,
15
16 Plaintiff,
17
18 v.
19
20 AARGON AGENCY, INC.,
21
22 Defendant.

Case No.

NOTICE OF REMOVAL

23 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1446(a), Defendant AARGON
24 AGENCY, INC. (“Defendant”) hereby removes to this Court the civil action described below, as
25 it involves a federal question.

26 1. On August 28, 2023, Plaintiff VALERIE MCDONALD (“Plaintiff”) filed a civil
27 action in the State Court of Nevada, Justice Court, Township of Las Vegas, Clark County,
28 Nevada, entitled *VALERIE MCDONALD v. AARGON AGENCY, INC.*, Case No. 23A001504. A
true and correct copy of Plaintiff’s Complaint is attached hereto as Exhibit A.

2. Plaintiff’s Complaint was served on Defendant by personal service on August 31,
2023. Exhibit A.

3. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)
within the 30-day removal period.

4. This action involves a federal question in that it arises under the Fair Debt
Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”). It is therefore an action of which

HALL & EVANS, LLC
1160 North Town Center Drive
Suite 330
Las Vegas, Nevada 89144
(702) 998-1022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

this Court has original jurisdiction under 28 U.S.C. § 1331 and may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(a). In this regard, Plaintiff alleges violations under the FDCPA against Defendant. (See Exhibit A.)

5. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place where the removed action has been pending.

6. Plaintiff’s Complaint does not include a demand for a jury trial.

7. Defendant will promptly file a copy of this Notice of Removal with the clerk of the State Court where the action has been pending.

Dated: September 21, 2023.

HALL & EVANS, LLC
/s/Kurt R. Bonds
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
CHARLES DESKINS, ESQ.
Nevada Bar No. 15532
1160 North Town Center Drive
Suite 330
Las Vegas, Nevada 89144
nvefile@hallevans.com
Attorneys for Aargon Agency, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2023, a true and accurate copy of the foregoing **NOTICE OF REMOVAL** was served via mail on the following person:

Valerie McDonald
9004 In Vogue Ct.
Las Vegas, NV 89149

/s/Antonia Di Dio
An Employee of HALL & EVANS, LLC

**JUSTICE COURT, TOWNSHIP OF LAS VEGAS
Clark County, Nevada**

Name and Address of Plaintiff(s):

Valerie McDonald
9004 In Vogue Ct
Las Vegas, NV 89149

Plaintiff(s) Email
Address

valeriecmcdonald@gmail.com

Plaintiff(s) Telephone
Number

702-970-0173

VERSUS

Name and Address of Defendant(s):

AARGON AGENCY, INC
8668 Spring Mountain Road
Las Vegas, Nevada 89117

Defendant(s) Telephone
Number and Email Address

Registered Agent received via U.S.
Mail on 8/31/2023

Case No. 23A001504

Department No. 6

SMALL CLAIMS COMPLAINT

STATE OF NEVADA)
COUNTY OF CLARK)

I, (insert your name) Valerie McDonald, being first duly sworn, deposes and says:

That the defendant is indebted to the plaintiff in the sum of \$ 10.000; that the reason for this indebtedness is:

Defendant violated many sections of the Fair Debt Collection Practices Act in an attempt to collect an alleged debt from the Plaintiff. Details of the Defendants actions and violations can be found in the attached complaint.

that this affiant has demanded payment of the sum; that the defendant refuses to pay the same. The Justice Court or the Las Vegas Township, in the County of Clark, State of Nevada is the proper venue for this action pursuant to NRS 73.010. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Signature of Affiant

Print Name Valerie McDonald

Dated 8/28/2023

Attorney for _____

ORDER TO APPEAR

NOTICE: YOU HAVE BEEN SUED. THE COURT MAY ENTER A JUDGMENT AGAINST YOU WITHOUT YOUR PRESENCE UNLESS YOU APPEAR AT THE TRIAL ON THE FOLLOWING DATE:

TRIAL DATE: 12/04/2023 TRIAL TIME: 10:00 am LOCATION: 6B

Any Evidence, including receipts, pictures or documents that are necessary to prove your case MUST be brought to trial. Please bring copies for Court to keep and for the opposing party. Any witnesses should appear with you at the time of trial. Those wishing to appear by alternative means should submit a request no later than two (2) judicial days prior to your Trial.

Justice Court, Township of Las Vegas, Clark County Nevada

Valerie McDonald

Plaintiff

v.

Aargon Agency, Inc
DBA Aargon Collection Agency

Defendant

COMPLAINT

1. Comes now Valerie McDonald coming in Proper Persona bringing forth action against Aargon Agency, Inc for their multiple violations of the Fair Debt Collection Practices Act [hereinafter the "FDCPA"].

JURISDICTION

2. This court, according to the Justice Court Rules of Civil Procedure has been adopted by the Supreme Court of Nevada and has the authority to hear this case.

VENUE

3. Venue is proper as Plaintiff lives in the city of Las Vegas in the state of Nevada and Defendant regularly do business in Las Vegas, Nevada. A substantial part of the events happened in Las Vegas, Nevada.

PARTIES

4. Plaintiff Valerie McDonald is a natural person and resides in the state of Nevada.

5. Upon information and belief, Defendant Aargon is a consumer reporting agency whose principal place of business is 8668 Spring Mountain Rd Las Vegas, Nevada 89117. The registered agent of this company is Jolley Úrga Woodbury & Holthus located at 50 S. Stephanie St #202 Henderson, NV 89012

INTRODUCTION

6. Congress enacted the Fair Debt Collection Practices Act in order to prevent abusive, deceptive, and unfair debt collection practices by debt collectors. The FDCPA establishes ethical guidelines for the collection of consumer debts.

FACTUAL ALLEGATIONS

7. On or about July 6, 2023, Plaintiff received a collection letter from the Defendant in attempt to collect an alleged debt in the amount of \$125.00 plus an alleged \$17.50 in fees totaling \$142.50

8. Per the FDCPA 15 U.S.C. § 1692g(b) if the consumer notifies the debt collector in writing within 30 days that the debt or any portion thereof is disputed. The debt collector shall cease collection of the debt. This is further confirmed within the Defendant's collection letter. . . . " If you write to us by August 8, 2023, we must stop collection on any amount you dispute until we send you information that shows you owe the debt.

9. Plaintiff submitted a CFPB complaint against the Defendant on or about 8/3/2023 and asked the Defendant to cease and desist communication with her. Defendant was in receipt of this notice concerning the cease and desist because they responded to Plaintiff's complaint within the CFPB portal.

10. On or about 8/15/2023, Plaintiff received another notice of attempt to collect from the Defendant after asking them to cease and desist further communication with her.

11. Pursuant to 15 U.S.C. § 1692d, a debt collector may not engage in any conduct which is to harass, oppress or abuse any person in connection with the collection of debt. The Defendant continued to attempt to collect on an alleged debt after being told to cease communication with the Plaintiff. This continued communication is considered harassment.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF 15 USC § 1692b(2)

12. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 11

13. Defendant violated 15 U.S.C 1692b(2) when they sent a collection letter in the mail that states "...we are trying to collect on a debt you owe".

14. Defendant cannot state that a consumer owes any debt.

COUNT TWO

VIOLATION OF 15 USC § 1692b(5)

15. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 14
16. Defendant violated 15 USC § 1692b(5) when they included language in the contents of their communication with me that relates to the collection of debt.

COUNT THREE

VIOLATION OF 15 USC § 1692c(c)

17. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 16
18. Defendant violated 15 USC § 1692c(c) when they failed to cease communicating with Plaintiff after given notice to cease and desist any communication with her.

COUNT FOUR

VIOLATION OF 15 USC § 1692e

19. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 18
20. Defendant violated 15 USC § 1692e(2)(A) when they claimed to have “charged” Plaintiff fees in the amount of \$17.50 in connection with a debt that she does not owe and stated that Plaintiff owed \$142.50.

COUNT SIX

VIOLATION OF 15 USC § 1692e(10)

21. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 20
22. Defendant violated 15 USC 1692e(10) when it used deceptive means via its collection activity and dunning letters to attempt to collect on an alleged debt of \$142.50 from Plaintiff.

COUNT SEVEN

VIOLATION OF 15 USC § 1692f(1)

23. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 22
24. Defendant violated 15 USC § 1692f(1) when they attempted to collect \$142.50 from Plaintiff when such amount is not expressly authorized by law or an agreement creating the amount.
25. Defendant used unfair and unconscionable attempts to collect on a debt not owed by continuing to send letters in attempts to collect from Plaintiff after being told to stop.

COUNT EIGHT

VIOLATION OF NRS 649.370

26. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 25
27. Pursuant to Nevada Revised Statue 649.370 a violation of any provision of the FDCPA or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.

COUNT NINE

Violation of NRS 205.463

28. Plaintiff realleges and reincorporates the allegations in paragraphs 1 through 27
29. Defendant violated NRS 205.463 by using Plaintiff's personal identifying information in order to harm her financially. The Defendant tried to use deceptive forms with the Plaintiff's personal identifying information on it to make it appear as if the Plaintiff was indebted to them when in fact the Plaintiff has never contractually done business with the Defendant.

PRAYER FOR RELIEF

Plaintiff respectfully asks that judgement be entered against Defendant for the following:

- A. Actual damages pursuant to 15 USC 1692k(a)(1)
- B. Statutory damages pursuant to 15 USC 1692k(a)(2)(A)
- C. Cost and reasonable attorney's fee's pursuant to 15 USC 1692k(a)(3)
- D. Stop Defendant from further communicating with the Plaintiff.
- E. Any other relief as the Court may deem just and proper.

Respectfully Submitted,

Dated August 28, 2023



All Rights Reserved

Valerie McDonald
9004 In Vogue Ct
Las Vegas, NV 89149
702-970-0173
valeriecmcdonald@gmail.com

230803-11675436

CLOSED

✓ Submitted We received your complaint. Thank you.

STATUS

Submitted to the CFPB
on 8/3/2023

PRODUCT

Debt collection

ISSUE

Attempts to collect
debt not owed

We will review your complaint. Depending on what we find, we will typically:

- Send your complaint to the company for a response; or
- Send your complaint to another state or federal agency, or help you get in touch with your state or local consumer protection office; or
- Let you know if we need more information to continue our work.

YOUR COMPLAINT

Aargon Agency is attempting to collect on an alleged debt that I do not owe. This continued harassment is causing me significant harm and emotional distress. I have never done any business with Aargon and demand that they cease and desist any further communication with me in regard to this account. Pursuant to the FDCPA I am refusing to pay this alleged debt and do not want any further communication with this company. Any communication with a consumer reporting agency in connection with this account will result in a federal or state lawsuit.

[View full complaint](#) 

ATTACHMENTS

[Aargon City of LV
Collection Letter
_20230802_0001.pdf](#)
(929.5 KB)

✓ Sent to company

STATUS

Sent to company on
8/3/2023

We've sent your complaint to the company, and we will let you know when they respond.

Their response should include the steps they took, or will take, to address your complaint.

Companies generally respond in 15 days. In some cases, the company will let you know their response is in progress and provide a final response in 60 days.

✓ Company responded

STATUS

Company responded
on 8/11/2023

RESPONSE TYPE

Closed with
explanation

Company's Response

Our office has reviewed the account regarding consumer, Valerie McDonald. Below are our findings regarding the above referenced complaint filed with your office. Please be advised the above referenced account for Valerie McDonald was placed with our office by our client, City of Las Vegas - Parking, on June 26, 2023 for a parking ticket from December 20, 2022. Notice of the debt was provided to the consumer in accordance with the Fair Debt Collection Practices Act on June 29, 2023, which the consumer received and attached a copy to this complaint. Our office received notice of the consumer's complaint via the Consumer Financial Protection Bureau, in which the consumer disputed the debt, alleged identity theft, alleged harassment, and requested verification, as well as cease and desist. Our office has marked the account as hold, since tickets are not reported to credit bureaus, and requested additional information from our client that we will send directly to the consumer via USPS in response to the dispute

ATTACHMENTS

[CFPB Response to
230803-
11675436.pdf](#)
(420.8 KB)

verification letter will be sent to assist in the identity theft investigation. We have marked the account as C&D, RTP, as requested. Our agency has only sent the one letter that the consumer received, and we have not attempted to call. Based on the information, at this time I have concluded my initial investigation, and as a result did not find any State or Federal violations.

 **Feedback requested** Provide feedback about the company's response

STATUS


Feedback requested on 8/11/2023

We welcome your feedback on how the company responded to your complaint. You will have 60 days from when the company responded to share your feedback. The CFPB will share your feedback responses with the company and use the information to help the CFPB's work with consumer complaints.

FEEDBACK DUE

10/10/2023

[Submit your feedback](#)

 **Closed** The CFPB has closed your complaint.

[Privacy Act Statement](#)

OMB #3170-0011

[Note on user experience](#)

Have a question? ¿Preguntas?

(855) 411-2372

TTY/TTD: (855) 729-2372

8 a.m. to 8 p.m. ET, Monday through Friday

(except federal holidays). (<https://www.opm.gov/policy-data-oversight/pay-leave/federal-holidays/#url=Overview>)

More than 180 languages available.

230817-11784380

OPEN

Submitted

We received your complaint. Thank you.

STATUS

Submitted to the CFPB
on 8/16/2023

PRODUCT

Debt collection

ISSUE


Communication tactics

We will review your complaint. Depending on what we find, we will typically:

- Send your complaint to the company for a response; or
- Send your complaint to another state or federal agency, or help you get in touch with your state or local consumer protection office; or
- Let you know if we need more information to continue our work.

YOUR COMPLAINT

I HAVE TOLD AARGON TO CEASE AND DESIST ANY COMMUNICATION WITH ME. THIS MEANS BY MEDIUM, INCLUDING MAIL. I HAVE JUST RECEIVED A LETTER BY A PERSON BY THE NAME OF ERRICCA TIMONY IN THE MAIL THAT THEY ARE ATTEMPTING TO GAIN INFORMATION FROM ME TO PROVE THAT I AM A VICTIM OF IDENTITY THEFT. I AM NOT REQUIRED TO PROVIDE ANYTHING TO THIS COMPANY AS I DO NOT OWE THEM ANYTHING AND HAVE NOT ASKED THEM TO INVESTIGATE MY CLAIM OF IDENTITY THEFT. CONTACTING ME AFTER I HAVE GIVEN THEM INSTRUCTIONS TO STOP IS A DIRECT VIOLATION OF THE FD CPA 15 USC 1692c(c) et seq. THIS COMPANY IS STILL SAYING I "OWE" AN AMOUNT OF \$142.50 AND IS STILL TRYING TO TO COLLECT ON THIS DEBT I TOLD THEM I DONT OWE. THIS CONTINUED CONTACT WITH ME AFTER THEY WERE TOLD TO CEASE AND DESIST IS ALSO A VIOLATION OF 15 USC 1692d AS AARGON IS CONTINUING TO HARASS ME. THIS FURTHER COMMUNICATION WITH ME IS DISTURBING TO MY PEACE AND CAUSING ME EMOTIONAL DAMAGE AND HARM.

[View full complaint](#) 

ATTACHMENTS

[Aargon
letter_20230816_0001.
\(535 KB\)](#)

Sent to company

We've sent your complaint to the company, and we will let you know when they respond.

Their response should include the steps they took, or will take, to address your complaint.

STATUS

Sent to company on
8/16/2023

Companies generally respond in 15 days. In some cases, the company will let you know their response is in progress and provide a final response in 60 days.

AARGON COLLECTION AGENCY

8668 SPRING MOUNTAIN RD
LAS VEGAS, NV 89117

(702) 220-7037

DATE 8/11/2023

Account Number 4526-155316
Supplied Account 221906916

RETURN SERVICE REQUESTED

To: Valerie McDonald
9004 In Vogue Ct
Las Vegas, NV 89149-3091

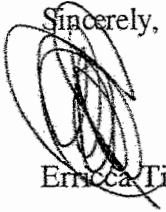
Amount Owed 142.50
Interest 0.00
Total Due 142.50

Re: **City Of Las Vegas - Parking Violation / Valerie McDonald**

Dear Valerie,

Our office has received your letter stating you were a victim of identity theft. Please find, along with this letter, a fraud affidavit which needs to be completed and returned to our office along with a copy of the police report and your photo identification. Once we have received the required information, we can begin investigating your claims of fraud.

Sincerely,



Erica Timony

Original Creditor:

City Of Las Vegas - Parking
495 South Main Street, 3rd Fl
Las Vegas, NV 89101

*Return to sender
Do NOT Contact
By ANY Forms of
Communication by any means
Including mail
Further communication will
result in a lawsuit.*

This is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.