



**Cavalry Portfolio Services, LLC**  
1 American Lane, Suite 220  
Greenwich, CT 06831  
(914) 742-4382

**To:** Senate Committee on Judicial Proceedings;  
Senator Will Smith, Chair  
Senator Jeff Waldstreicher, Vice Chair

**From:** Anne Thomas, Chief Compliance Officer, Cavalry Portfolio Services, LLC

**Re: Senate Bill 156 - Opposition**

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Respected Senator Will Smith, Senator Jeff Waldstreicher and respected members of the Senate Committee on Judicial Proceedings, my name is Anne Thomas and I am the Chief Compliance Officer of Cavalry Portfolio Services, LLC. On behalf of Cavalry Portfolio Services, LLC and its affiliates ("Cavalry"), thank you for allowing us this opportunity to offer comments in opposition to Senate Bill 156 ("S.B. 156").

Cavalry is an RMAi<sup>1</sup> Certified Professional Receivables Company located in Greenwich, Connecticut. Thru its work, Cavalry works with business partners and consumers located in Maryland and that is why we are providing these comments. Cavalry does not support bad actors in the collection of consumer debt. In the development and implementation of its own policies and procedures, Cavalry encourages open and honest dealing with consumers.

While Cavalry understands the legislature's efforts to ensure fair dealing between consumers, businesses and creditors, this bill could create unintended consequences that may ultimately harm Maryland consumers and so Cavalry respectfully opposes S.B. 156.

An unintended consequence of S.B. 156 is that it would increase litigation and be harmful to both consumers and businesses.

Cavalry like most creditors, views litigation and its associated high costs as a last resort where the creditor is unable to resolve the debt with the consumer through other means of collection. Currently, in Maryland, creditors and consumers have a 3-year statute of limitations period in which to file a lawsuit for breach of contract, violation of consumer protection laws, and various other similar causes of action.

As written, S.B. 156 would apply retroactively. By increasing the statute of limitations period from 3 years to 12 years for consumer claims, our industry will surely see a significant increase respect to with retroactive claims. In *Cain v. Midland Funding, LLC*, 475 Md. 4, 256 A.3d 765 (2021), the Maryland Court of Appeals ruled that a 12-year statute of limitations period that applies to categories of "specialties" such as enforcing a judgment, bond or promissory note does not also apply to judgment debtor claims merely related to or concerning a judgment. For judgment debtors, *Cain v. Midland Funding, LLC*

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<sup>1</sup> The Receivables Management Association International ("RMAi") is the nonprofit trade associate that represents companies that purchase performing and nonperforming receivables on the secondary market.



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held that their claims fall under the state's general 3-year statute of limitations period. S.B. 156's retrospective application will place increased burdens on the courts as consumer attorneys flood the courts with litigation. While bad actors could benefit, consumers and consumer-friendly businesses, such as Cavalry, could be harmed.

As written, S.B. 156 would apply the 12-year statute of limitations period to any actions on, related to or concerning judgments and other specialties. This change will result in a seemingly never-ending statute of limitations for any claim arising from post-judgment enforcement activity, because each post judgment action a creditor takes "relates to" the judgment and will basically restart the 12-year statute of limitations. The change will result in an increase of consumer litigation against creditors, only serving to enrich the trial attorneys creating the bill.

As drafted, we believe this legislation will bring unintended harm to consumers and unnecessary burdens placed on the business community. For all the reasons mentioned above, we strongly urge you to oppose S.B.156 as written.

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Cavalry appreciates your time in reviewing our concerns and recommendations. Please feel free to contact me at (914) 742-4382 to discuss further.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Anne Thomas".

Anne Thomas

Chief Compliance Officer

Cavalry Portfolio Service, LLC