

BORISON FIRM, LLC
A Consumers Rights Firm

Scott C. Borison*
scott@borisonfirm.com
* Admitted in CA DC & MD

Telephone (301) 620-1016
Fax (301) 620-1018
www.borisonfirm.com

To: Senate Judicial Proceedings Committee
From: Scott C. Borison
Date: February 1, 2022
Subject: **STATEMENT IN SUPPORT OF SB 156**

THIS TESTIMONY IS IN SUPPORT OF SB 156. THE BILL PROMOTES FAIRNESS TO ALL PARTIES TO THE SAME TRANSACTIONS. THE INTERPRETATION OF THE STATUTE BY THE COURT OF APPEALS CHANGES THE LAW FROM ONE APPLIED TO ALL PARTIES TO AN ACTION TO A LAW THAT FAVORS ONLY ONE SIDE OF THE TRANSACTION. I SUPPORT SB 156 AND ENCOURAGE THE COMMITTEE TO SUPPORT THE LEGISLATION WITH THE SPONSOR'S AMENDMENT.

There is no preference for the application of the statute of limitations expressed in the language of Courts and Judicial Proceedings § 5-102 to favor one side of a transaction over the other. Instead, the language of the statute refers to actions not parties and begins stating:

(a) An action on one of the following specialties shall be filed within 12 years after the cause of action accrues

It continues to list the actions that the provision pertains to including:

(3) Judgment;

The law makes no reference to a particular party to the action but the Court of Appeals in *Cain v. Midland Funding, LLC.*, 38–2020 (Md. Aug. 4, 2021) determined that the law as written only provides a 12 year statute to creditors filing actions on judgments not consumers. As a result, creditors have twelve (12) years to enforce a judgment when consumers to the same transaction only have three (3) years to bring an action. Respectfully, the Court of Appeals decision adds a limitation to the statute that is not supported by the words of the statute and potentially turns the statute into a special law that favors one party to the same transaction over the other party to the transaction. This bill clarifies that such an interpretation is inconsistent with the statute by expressing rejecting the limitations on the statute made by the judiciary.

**FOR THESE REASONS, I ENCOURAGE THE COMMITTEE TO SUPPORT AND
VOTE FAVORABLE ON SB 156.**

Respectfully submitted,

/s/ Scott C. Borison

Borison Firm, LLC.