

# CONSUMER LAW CENTER LLC

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To: Senate Judicial Proceedings Committee  
From: Phillip Robinson  
Date: February 1, 2022  
Subject: **STATEMENT IN SUPPORT TO SB 156**

**ON BEHALF OF THE CONSUMERS THROUGHOUT THE STATE OF MARYLAND WHO ARE VICTIMS OF THE UNFAIR AND DECEPTIVE CONDUCT IN CIVIL LITIGATION, I SUPPORT SB 156 AND ENCOURAGE THE COMMITTEE TO SUPPORT THE LEGISLATION WITH THE SPONSOR'S AMENDMENT.**

This legislation is intended to reverse a limited aspect of the holdings of the Court of Appeals in *Cain v. Midland Funding, LLC.*, 38–2020 (Md. Aug. 4, 2021). In *Cain* the court found that the General Assembly intended for the specialty statute of limitations in Courts and Judicial Proceedings § 5-102(a)(3) related to judgments did not apply to all parties to the judgment but only applied to judgment creditors.

A plain reading of the statute simply does not support this conclusion. Instead, the plain language states that ‘an action on’ a ‘judgment’ ‘shall be filed within 12 years after the cause of action accrues.’

The Court’s holding in *Cain* addressed by SB 156 establishes that judgment creditors have twelve years to pursue an action on a judgment but judgment debtors only have three years to do the same pursuant to Courts and Judicial Proceedings § 5-101. With respect to the Court of Appeals, the General Assembly does not have the authority to pass special legalization to favor one party to a judgment because such legislation would be unconstitutional under Maryland Constitution, Article III § 33. Laws that confer a benefit, rather than a detriment, on a single party at the time of its enactment are not permitted. *See, e.g., Beauchamp v. Somerset Cnty. Sanitary Comm'n*, 256 Md. 541 (1970) (finding a law that benefits one party an unconstitutional special law).

In Maryland's constitutional framework, the General Assembly has the duty to check and balance its sister branches of government. SB 156 is intended to reverse and overrule a limited holding in *Cain* related to Courts and Judicial Proceedings § 5-102(a)(3) and apply it to all parties to the judgment and not just in favor of judgment creditors. **The bill would become effective October 1, 2022 and ensure that the negative consequences created by the Court of Appeals do not establish special status for one party to a judgment and not to others.** All parties to a judgment should have the same benefits.

**PLEASE VOTE FAVORABLE WITH AMENDMENT ON SB 156 AND ADOPT THE SPONSOR'S AMENDMENT.**