

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

**DOLORES MADDUX, GILBERT
MADDUX, AND JENI MADDUX,**)
)
)
 Plaintiffs,)
)
)
 v.)
)
 MERCHANTS RETAIL CREDIT)
 ASSOCIATION, INC., *et al.*)
)
 Defendants.)

Case No: **0516-CV26963**

Division: **12**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND AMENDED JUDGMENT

Upon Plaintiffs and Defendant MRCA Services, L.C. Motion For Entry of Findings of Fact and Conclusions of Law, and after being duly advised of all the facts, claims, defenses, and damages during the August 20, 2007 trial of this matter, the Court finds and orders as follows:

I. FINDINGS OF FACT

1. Plaintiff Dolores Maddux was a natural person who is deceased. Dolores Maddux was at all times relevant hereto a resident of Johnson County, Kansas, the spouse of Plaintiff Gilbert Maddux and the step-mother of Plaintiff Jeni Maddux. Dolores Maddux sustained injuries in Jackson County, Missouri as a direct and proximate result of the acts of Defendant MRCA Services, LC more particularly described below. Dolores Maddux, who was an African-American, was a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

2. Plaintiff Gilbert Maddux is a natural person and resident of Jackson County, Missouri who sustained injuries in Jackson County, Missouri as a direct and

proximate result of the acts of Defendant MRCA Services, LC more particularly described below. Gilbert Maddux is the Administrator of the Estate of Dolores Maddux.

3. Gilbert Maddux was the spouse of Dolores Maddux and resided with Dolores Maddux at all times relevant hereto in Johnson County, Kansas. Gilbert Maddux is Caucasian, the biological father of Plaintiff Jeni Maddux, and a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

4. Plaintiff Jeni Maddux is a natural person who sustained injuries in Jackson County, Missouri as a direct and proximate result of the acts of Defendant MRCA Services, LC more particularly described below. Jeni Maddux is the daughter of Gilbert Maddux and was the step-daughter of Dolores Maddux. At all times relevant hereto, Jeni Maddux resided in Jackson County, Missouri. Jeni Maddux is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant MRCA Services, LC (hereafter, “MRCA”) was, at all times relevant hereto, a limited liability company registered to do business in the State of Iowa. MRCA engaged in regular and systematic business in the State of Missouri from its offices located in the State of Iowa through the mail and telephone calls with consumers such as Plaintiffs who were located in the State of Missouri, and transacted business in Jackson County, Missouri through its contacts with each of the Plaintiffs.

6. MRCA regularly collected or attempted to collect debts owed or asserted to be owed or due another in the State of Missouri, and/or regularly purchased consumer debts due or alleged to be due and owing to another. MRCA registered itself annually during all times relevant hereto as a debt collector with the Office of the Iowa Attorney

General and MRCA was a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6),

7. At all times relevant hereto, MRCA attempted to collect consumer debts owing to it or alleged to be owing to it by variously identifying itself to Plaintiffs and others under the names: “MRCA,” “MRCA Services, LC,” and “Merchants Retail Credit Association, Inc.” and “Merchants Retail Credit Association.”

8. At all times relevant hereto, MRCA was under common ownership and control with Inland Finance Company and Federal Finance. MRCA, Inland Finance Company and Federal Finance all maintained their principal place of business at 8040 University Blvd., Clive, Iowa.

9. Dannell Benning (a/k/a Ben Blanco) (hereafter “Benning”) is a natural person and at all times relevant hereto was a resident of the State of Iowa. Defendant Benning was a full-time employee of MRCA whose job duty was to attempt to collect consumer debts owing or allegedly owing to MRCA.

10. Dannell Benning utilized the alias “Ben Blanco” during his communications with all alleged consumer debtors in his attempts to collect consumer debts on behalf of MRCA, and did so during all his communications with Plaintiffs and all others more particularly described below.

11. During all relevant times hereto, Dannell Benning performed all the below acts on behalf of MRCA with the intent to obtain payment of a consumer debt that Dolores Maddux owed to MRCA.

12. On or about January 19, 2001, Dolores Maddux obtained a personal credit account from CitiFinancial, Acct. # XX5665 (“CitiFinancial Account”). Dolores

Maddux established and utilized the CitiFinancial Account for personal, family and household purposes. The CitiFinancial Account was a “debt” as that term is defined pursuant to 15 U.S.C. § 1692a(5).

13. At no time was Gilbert Maddux, Jeni Maddux or any other person a joint obligor, co-signer or otherwise obligated for the debt Dolores Maddux owed under the CitiFinancial Account.

14. On or about June 24, 2004, CitiFinancial Corporation sold transferred and assigned the CitiFinancial Account to Nationwide Credit Service, Inc.

15. On or about July 7, 2004, MRCA purchased and acquired all right, title and interest in the CitiFinancial Account from Nationwide Credit Service, Inc. At the time of the purchase, MRCA acquired the delinquent CitiFinancial Account.

16. At 1:51 p.m. on July 23, 2004, MRCA telephoned Jeni Maddux’s home located at 4507 East 111th Terrace, Kansas City, Missouri at (816) 763-1175. MRCA told Jeni Maddux that MCRA was attempting to collect a debt that Dolores Maddux owed to it. Jeni Maddux immediately advised MRCA that Dolores Maddux did not reside there, Dolores Maddux could not be found at that location, she did not know Dolores’ contact information, and MRCA must never contact her at that or any other number ever again. The call lasted less than 30 seconds.

17. On August 3, 2004, Federal Finance obtained Dolores Maddux’s credit report from Experian, a credit reporting agency, for the purposes of permitting MRCA to utilize information contained in Dolores Maddux’s credit report to assist MRCA to attempt to collect a debt allegedly owing by Dolores Maddux to MRCA. Federal Finance provided a physical copy of Dolores Maddux’s credit report to MRCA and MRCA and its

employees relied on the information it obtained from the report to attempt to collect Dolores Maddux's former CitiFinancial Account.

18. Federal Finance did not have authorization from Dolores Maddux to obtain a copy of her report and Federal Finance did not have an otherwise legally permissible purpose to obtain Dolores Maddux's August 3, 2004 credit report.

19. At 11:10 a.m. on August 3, 2004, MRCA again telephoned Jeni Maddux's home telephone number at (816) 763-1175. Jeni Maddux's mother, Linda, answered. MRCA told Linda that MRCA was attempting to collect a debt allegedly owing by Dolores Maddux. Linda told MRCA that Dolores Maddux did not reside there, did not know the telephone number or address for Dolores Maddux, and that MRCA must not attempt to contact anyone at that telephone number or bother Jeni Maddux at any other number again. The MRCA employee laughed at Linda and stated to Linda that Dolores was being a "deadbeat" and insisted to Linda that Linda was actually Dolores. Linda denied she was Dolores and the MRCA employee then hung up on her. The call lasted 1 minute and 32 seconds.

20. A copy of Dolores Maddux's driver's license was among the information MRCA obtained when MRCA purchased the CitiFinancial Account. The copy of Dolores Maddux's license indicated Dolores Maddux was an African-American woman.

21. At 11:56 a.m. on August 3, 2004, relying on the information MRCA obtained from the credit report Federal Finance provided to it, an MRCA employee called the home telephone of Gilbert and Dolores Maddux located at 9613 Horton Street, Overland Park, KS (913) 385-0020. During that conversation, MRCA first communicated with and told Dolores that it was calling her because it intended to collect

a debt owing to MRCA on her former CitiFinancial Account. MRCA demanded Dolores pay MRCA \$10,000.00.

22. Dolores Maddux immediately advised MRCA she disputed the validity of the amount of the debt and requested MRCA to verify its accuracy by sending her written verification of the amount owed and proof that MRCA somehow now owned the account. At that point, an MRCA employee became verbally abusive, used profanity, and called Dolores “lazy,” “fat,” “black” “inbred,” “pathetic” and “stupid.”

23. The MRCA employee went on to threaten Dolores Maddux, telling her that “MRCA had obtained her all personal credit information and that of her family and MRCA would soon be letting everyone she knew all about her being a deadbeat.” Dolores Maddux hung up on the MRCA employee. The call lasted 2 minutes and 2 seconds.

24. At 12:02 p.m. on August 3, 2004, just minutes after Dolores Maddux hung up the telephone, an MRCA employee again called Dolores at 913-385-0020. This time the MRCA employee laughed, repeated the threat to start calling everyone he could locate that knew Dolores and Gilbert, and tell them all that Dolores was a “deadbeat” and “ruin her and her husband’s life.” The MRCA employee then hung up on Dolores Maddux. The call lasted approximately 30 seconds.

25. At 12:04 p.m. on August 3, 2004, MRCA again telephoned Jeni Maddux’s home telephone number at (816) 763-1175. The MRCA employee again spoke to Jeni Maddux’s mother Linda. Linda again told the MRCA employee that Dolores did not live there and pleaded with the employee to stop calling. The MRCA employee laughed and said in sinister and threatening fashion, “You’re a liar. I have your personal credit

information Dolores. I'll be talking to your friends and other family and we'll be talking again real soon." The call lasted 2 minutes and 5 seconds.

26. Just prior to 12:14 p.m. on August 3, 2004, Gilbert Maddux telephoned MRCA and advised an MRCA employee that he knew MRCA had just telephoned and spoken to Dolores, MRCA was verbally abusive to her, MRCA had upset her tremendously, and that he was aware the MRCA employee threatened to ruin his and Dolores' life. Gilbert Maddux insisted MRCA have no further contact with Dolores, his family or anyone else regarding Dolores' former CitiFinancial Account and hung up.

27. At 12:14 p.m. on August 3, 2004, MRCA immediately thereafter telephoned Gilbert Maddux on his cellular telephone at (816) 694-6053 while Gilbert Maddux was at work. Gilbert Maddux advised MRCA that he was at work, not to call him at that or any other number again, and advised MRCA that his employer would reprimand him if MRCA ever contacted him at that number again. The MRCA employee laughed and hung up. The call lasted no more than 30 seconds.

28. At the time of the call, Gilbert Maddux was in a meeting with his workplace manager. Gilbert Maddux's manager advised him that he would be reprimanded if he received any more personal telephone calls while at work.

29. Seconds later, at 12:14 p.m. on August 3, 2004, MRCA called Gilbert Maddux again on his cell phone at (816) 694-6053. Although MRCA was both aware that Gilbert Maddux could not receive telephone calls at work and that Gilbert Maddux was not indebted to it, MRCA stated again to Gilbert Maddux that "MRCA had obtained his personal credit information and that MRCA would use that information to ruin his

life.” The MRCA employee laughed and then hung up on Gilbert Maddux. The call lasted no more than 30 seconds.

30. Seconds later, at 12:15 p.m. on August 3, 2004, MRCA again called Gilbert Maddux on his cellular telephone while at work at 816-694-6053. Gilbert Maddux answered, pleaded with the MRCA employee to stop calling him, and MRCA employee laughed at Gilbert Maddux and then hung up on Mr. Maddux. The call lasted no longer than 30 seconds.

31. Moments later, at 12:17 p.m. on August 3, 2004, MRCA again called Gilbert Maddux on his cellular telephone while at work at 816-694-6053. Gilbert Maddux answered and again pleaded with the MRCA employee to stop calling him. The MRCA employee advised that he did not care that Gilbert Maddux’s employer would reprimand him or that Gilbert Maddux was not obligated to pay MRCA. The MRCA employee said he would keep calling Gilbert Maddux until Gilbert Maddux or Dolores Maddux paid MRCA. The MCRA employee stated that if Gilbert did not pay the debt, he would “bring four guys down from Topeka to take care of the situation” - implying physical harm would come to Gilbert Maddux if he or Dolores did not pay the debt to MRCA. Gilbert Maddux hung up. The call lasted 1 minute and 51 seconds.

32. Seconds later, at 12:20 p.m. on August 3, 2004, MRCA again called Gilbert Maddux on his cellular telephone while at work at 816-694-6053. Gilbert Maddux answered and pleaded with the MRCA employee to stop calling him. The MRCA employee again laughed and hung up on Gilbert Maddux. The call lasted no longer than 30 seconds.

33. Seconds later, at 12:21 p.m. on August 3, 2004, MRCA again called Gilbert Maddux on his cellular telephone while at work at 816-694-6053. Gilbert Maddux answered, pleaded with the MRCA employee to stop calling him. The MRCA employee laughed at Gilbert Maddux and hung up on him again. The call lasted no longer than 30 seconds.

34. Moments later, at 12:24 p.m. on August 3, 2004, MRCA again called Gilbert Maddux on his cellular telephone while at work at 816-694-6053. Gilbert Maddux answered and again pleaded with the MRCA employee to stop calling him. The MRCA employee laughed at Gilbert Maddux and hung up on him. The call lasted no longer than 30 seconds.

35. Gilbert Maddux's manager reprimanded and criticized Gilbert because he could not put a stop to the repetitive telephone calls he received at work on August 3, 2004. MRCA's calls that day left Gilbert Maddux was extremely humiliated, embarrassed and angry.

36. During the course of the calls to Gilbert Maddux on August 3, 2004, MRCA also obtained the credit report of Gilbert Maddux without his authorization or consent and without a legally permissible purpose to do so. MRCA noted in its internal computer system "!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! PULLED AND PRINTED EXPERIAN ON DTR AND HUSBNAD [Sic] - GILBERT HAS PERFECT CRDT !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!" (caps and exclamation marks original)

37. This internal computer notation made by an MRCA employee signified that MRCA requested Gilbert Maddux's credit report from the credit reporting agency Experian, MRCA obtained a printed copy of Gilbert Maddux's credit report from

Experian, and MRCA intended to use Gilbert Maddux's perfect credit history and threats of destroying Gilbert Maddux's credit as leverage in its attempts to extract payment from either Dolores or Gilbert Maddux's to MRCA.

38. At 10:21 a.m. on August 4, 2004, MRCA again called Gilbert and Dolores' home telephone number at 913-385-0020. MRCA placed the call knowing that both Dolores Maddux disputed the debt and that Dolores Maddux had previously instructed MRCA not to contact her again. The call lasted no more than 30 seconds.

39. At 1:35 p.m. on August 5, 2004, MRCA again contacted Jeni Maddux's home telephone at 816-763-1175. An MRCA employee placed the call again intending to collect the debt Dolores Maddux owed to MRCA. MRCA did so despite the fact MRCA had previously been told that Dolores Maddux did not reside there, could not be located there, and not to call that telephone number again. The call lasted no more than 30 seconds.

40. At 1:36 p.m. on August 5, 2004, MRCA again contacted Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. MRCA did so despite the fact Mr. Maddux told MRCA not to contact him ever again, he would be reprimanded if he continued to receive such calls at work, Dolores Maddux disputed the validity of the debt, and Gilbert Maddux was not obligated to pay the debt to MRCA. An MRCA employee stated again to Gilbert Maddux that MRCA would destroy his credit and let all his friends and family know he and Dolores were "deadbeats." The MRCA employee laughed at Gilbert Maddux and hung up on him. The call lasted 2 minutes and 4 seconds.

41. At 1:12 p.m. on August 7, 2004, MRCA telephoned Jeni Maddux's home at 816-763-1175. An MRCA employee placed the call again intending to collect the debt

Dolores Maddux owed to MRCA. MRCA did so despite the fact MRCA had previously been told that Dolores Maddux did not reside there, could not be located there, and not to call that telephone number again. The call lasted 36 seconds.

42. At 1:17 p.m. on August 7, 2004, MRCA again called Gilbert Maddux on his cellular telephone while at work at 816-694-6053. Gilbert Maddux answered and again pleaded with the MRCA employee to stop calling him. The MRCA employee laughed at Gilbert Maddux and hung up on him. The call lasted no longer than 30 seconds.

43. At 5:58 p.m. on August 17, 2004, MRCA telephoned Jeni Maddux's home telephone at 816-763-1175. MRCA did so despite the fact that MRCA had been told repeatedly not to contact Jeni Maddux's home telephone number. An MRCA employee placed the call again intending to collect the debt Dolores Maddux owed to MRCA. MRCA did so despite the fact MRCA had previously been told that Dolores Maddux did not reside there, could not be located there, and not to call that telephone number again. The call lasted not more than 30 seconds.

44. At 5:59 p.m. on August 17, 2004, MRCA telephoned Gilbert and Dolores Maddux's home at 913-385-0020. MRCA did so despite the fact Dolores Maddux previously told MRCA not to contact her at that number ever again, Dolores Maddux disputed the validity of the debt, and Gilbert Maddux was not obligated to pay the debt to MRCA. When Dolores Maddux answered the telephone, Dolores told MRCA that she was very upset at MRCA's threats and not to contact her again. The MRCA employee laughed at Dolores Maddux, was verbally abusive and hung up. The call lasted not more than 30 seconds.

45. At 6:00 p.m. on August 17, 2004, MRCA telephoned Gilbert Maddux on his cellular telephone at work at 816-694-6053. MCRA did so despite the fact Gilbert Maddux previously told MCRA not to contact him ever again, he would be reprimanded if he continued to receive such calls at work, Dolores Maddux disputed the validity of the debt, and Gilbert Maddux was not obligated to pay the debt to MRCA. When Gilbert Maddux answered, Mr. Maddux again reminded the MRCA employee of the foregoing, the MRCA employee laughed at him, was verbally abusive and hung up. The call lasted not more than 30 seconds.

46. At 10:46 a.m. on August 24, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. MCRA did so despite the fact that MCRA had been told repeatedly not to contact Jeni Maddux's home telephone number. An MRCA employee placed the call again intending to collect the debt Dolores Maddux owed to MRCA. MRCA did so despite the fact MRCA had previously been told that Dolores Maddux did not reside there, could not be located there, and not to call that telephone number again. The call lasted no more than 30 seconds.

47. At 10:18 p.m. on August 26, 2004, MRCA telephoned Gilbert Maddux on his cellular telephone at work at 816-694-6053. MCRA did so despite the fact Gilbert Maddux previously told MCRA not to contact him ever again, he would be reprimanded if he continued to receive such calls at work, Dolores Maddux disputed the validity of the debt, and Gilbert Maddux was not obligated to pay the debt to MRCA. When Gilbert Maddux answered, Mr. Maddux again reminded the MRCA employee of the foregoing, the MRCA employee laughed at him, was verbally abusive and hung up. The call lasted not more than 30 seconds.

48. At 2:15 p.m. on September 9, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee stated to Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted 1 minute and 32 seconds.

49. At 12:41 p.m. on September 16, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee stated to Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted 1 minute and 8 seconds.

50. At 12:30 p.m. on September 21, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted no more than 30 seconds.

51. On September 27, 2004, Inland Finance, an affiliate of MRCA, obtained a copy of Dolores Maddux's credit report from Experian without her authorization or consent. Inland Finance had no legal permissible purpose to obtain her report. Inland Finance gave a physical copy of that report to MRCA for the purposes of providing MRCA a means to use information contained in her consumer report to attempt to collect a debt allegedly owing to MRCA.

52. At 12:50 p.m. on October 1, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux

answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted less than 30 seconds.

53. Minutes later, at 12:54 p.m. on October 1, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted 4 minutes and 17 seconds.

54. At 5:17 p.m. on October 11, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. An MRCA employee falsely stated to Jeni Maddux that he was a Sheriff and was looking for Dolores. The MRCA employee stated to Jeni that if Jeni did not provide contact information for Dolores he would take Jeni to court. Jeni became frustrated and upset and hung up. The call lasted 1 minute and 59 seconds.

55. At 10:52 a.m. on October 12, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted less than 30 seconds

56. At 1:13 p.m. on October 29, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted no more than 30 seconds

57. At 3:52 p.m. on November 11, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted 42 seconds.

58. At 8:20 a.m. on November 12, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted 1 minute.

59. At 8:24 a.m. on November 12, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted 4 minutes and 27 seconds.

60. At 8:29 a.m. on November 12, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted 32 seconds.

61. Seconds later, at 8:30 a.m. on November 12, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted 46 seconds.

62. At 11:39 a.m. on November 15, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted 1 minute and 5 seconds.

63. At 11:53 a.m. on November 15, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would

continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted less than 30 seconds.

64. At 7:32 p.m. on November 15, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted 51 seconds.

65. At 7:34 p.m. on November 15, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted less than 30 seconds.

66. At 8:49 a.m. on November 17, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted less than 30 seconds.

67. At 8:53 a.m. on November 17, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone while he was at work at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted less than 59 seconds.

68. At 2:11 p.m. on November 22, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted 52 seconds.

69. At 7:51 a.m. on December 6, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted less than 30 seconds.

70. At 7:53 a.m. on December 6, 2004, MRCA again telephoned Dolores and Gilbert Maddux's home at 913-385-0020. Dolores Maddux answered and MRCA told her it would continue calling her and her family members and friends until she paid the

debt. Dolores Maddux again requested verification of both the amount of the debt and proof MRCA owned the debt. Again, an MRCA employee berated Dolores, called her names and hung up on her. The call lasted less than 30 seconds.

71. One minute later, at 7:55 a.m. on December 6, 2004, MRCA again telephoned Gilbert Maddux on his cellular telephone at 816-694-6053. Gilbert Maddux answered and an MRCA employee reminded Gilbert that MRCA would continue calling Gilbert until Dolores paid the debt. Gilbert Maddux pleaded with the MRCA employee not to call again and hung up. The call lasted less than 39 seconds.

72. On December 6, 2004, Inland Finance, an affiliate of MRCA, obtained a copy of Dolores Maddux's credit report from Experian without her authorization or consent. Inland Finance had no legal permissible purpose to obtain her credit report. Inland Finance provided a physical copy of her report to MRCA for the purposes of providing MRCA a means to use the information contained in her report to attempt to collect a debt Dolores Maddux allegedly owing to MRCA.

73. At 8:32 a.m. on Saturday, December 11, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. An MRCA employee placed the call again intending to collect the debt Dolores Maddux owed to MRCA. Jeni Maddux again told MRCA that Dolores Maddux did not reside there, could not be located there, and not to call that telephone number again. Jeni Maddux also advised that she worked late the day before and was awakened by the call. An MRCA employee responded, "Get your lazy ass out of bed and take a message for Dolores to call us." Jeni Maddux hung up. The call lasted less than 30 seconds.

74. Seconds later, at 8:32 a.m. on Saturday, December 11, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. An MRCA employee placed the call again intending to collect the debt Dolores Maddux owed to MRCA. Jeni pleaded with MRCA and again told the MRCA employee that Dolores Maddux did not reside there, could not be located there, and not to call that telephone number again. An MRCA employee laughed at her and Jeni Maddux hung up. The call lasted less than 30 seconds.

75. Seconds later, at 8:33 a.m. on Saturday, December 11, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. Jeni again repeated all her pleas to stop calling her and and hung up. The call lasted less than 30 seconds.

76. Seconds later, at 8:33 a.m. on Saturday, December 11, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. An MRCA employee laughed at her, demanded Jeni Maddux get a pen to take a down a message for Dolores to call MRCA. Jeni hung up. The call lasted 1 minute and 28 seconds.

77. Seconds later, at 8:35 a.m. on Saturday, December 11, 2004, MRCA again telephoned Jeni Maddux's home at 816-763-1175. The call lasted less than 10 minutes and 4 seconds.

78. During the the telephone calls placed to Jeni Maddux's home on August 5th, 7th, 24th, October 11th, 12th, 29th, November 12th, 15th, 17th, 22nd, and December 6th, and 11th, MRCA employees telephoned and also spoke at various times with Jeni Maddux's roommates Reba Mitzel and Kammera Bollinger.

79. Ms. Mitzel and Ms. Bollinger advised MRCA on every telephone conversation that Dolores Maddux did not reside there, they did not know how to locate Dolores Maddux and not to call Jeni Maddux's home again. MRCA employees

nevertheless repeatedly called and hung up and often insisted both Reba Mitzel and Kammera Bollinger were lying or were actually Dolores Maddux.

80. During the instances where MRCA maintained that Ms. Mitzel or Ms. Bollinger was actually Dolores Maddux, MRCA called Reba Mitzel a “stupid nigger,” and “an inbreed,” and both Ms. Mitzel and Ms Bollinger “fucking liars” and “deadbeats.”

81. Jeni Maddux was physically present at the time these calls placed to her home and answered by Ms. Metzil or Ms. Bollinger, or Ms. Metzil or Ms. Bollinger relayed MRCA’s outrageous racial slurs, curse words and humiliating personal attacks to Jeni Maddux.

82. Jeni Maddux advised Gilbert and Dolores Maddux that during MRCA’s attempts to collect the debt allegedly owing to MRCA, MRCA employees used these specific racial slurs, curse words, and personal attacks that, although stated to others, were clearly directed at Dolores with the intention of collecting the debt that Dolores allegedly owed to MRCA. As a result, Gilbert and Dolores Maddux suffered humiliation, anxiety, depression, nervousness, sleeplessness, and anger.

83. At 1:47 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

84. At 2:58 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted 3 minutes.

85. Seconds later, at 3:03 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

86. Seconds later, at 3:03 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

87. Seconds later, at 3:04 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

88. Seconds later, at 3:05 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

89. Seconds later, at 3:05 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

90. Minutes later, at 3:08 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 2 minutes and 2 seconds.

91. Seconds later, at 3:11 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

92. Seconds later, at 3:12 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

93. Seconds later, at 3:12 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

94. Seconds later, at 3:12 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

95. Approximately 1 minute later, at 3:14 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted less than 30 seconds.

96. Immediately after, 3:23 p.m. on December 13, 2004, MRCA telephoned Jeni Maddux at her place of employment at Sonic at 816-779-6550. The call lasted 1 minute and 35 seconds.

97. During the course of its repeated telephone calls to Jeni Maddux at Sonic, MRCA stated to her that it would file a report against her employer with the Better Business Bureau if Jeni Maddux did not provide location information for Dolores Maddux, MRCA's report would greatly impact her employer's ability to conduct its business, and that Jeni Maddux would most likely lose her job.

98. As a result, Jeni Maddux suffered an anxiety attack. Jeni Maddux further suffered humiliation, frustration, embarrassment, and fear.

99. At the time, Jeni Maddux was the manager of the Sonic, co-workers Adam Martin and Kammera Bollinger reported to her. During the course of the repeated telephone calls to the Sonic that Jeni Maddux received from MRCA employees while

attempting to collect the debt Dolores Maddux allegedly owed, Adam Martin and Kammera Bollinger witnessed abusive and demeaning language directed at Jeni Maddux.

100. At one point during the seemingly endless telephone calls in which MRCA would call and then immediately hang up, Mr. Martin answered the telephone and told the MRCA employee to stop calling Jeni Maddux because they were extremely busy and such calls were not permitted. Mr. Martin advised MRCA's telephone calls were extremely disruptive, prevented Jeni Maddux from doing her job, and might lead to Jeni Maddux's supervisor reprimanding or firing her. An MRCA employee nevertheless continued to repeatedly call Jeni Maddux at the Sonic and hang up.

101. MRCA used profanity directed at Ms. Maddux and others, insulted Mr. Martin and Ms. Maddux by calling them "pathetic," and sought to demean both Ms. Maddux and Mr. Martin by stating, "You both should stop flipping burgers for a living and get a real job."

102. An MRCA employee threatened Ms. Maddux and Mr. Martin during the course of the calls that day by saying in a sinister fashion that MRCA knew where the store was located, that MRCA knew where Ms. Maddux lived, that MRCA would find out where Mr. Martin lived, and MRCA would personally visit the store to "settle the situation."

103. Later the same day, on December 13, 2004, Dolores Maddux, Gilbert Maddux and Jeni Maddux all retained attorney Larry Askew. Mr. Askew immediately sent facsimile correspondence to MRCA advising MRCA of his representation of Ms. Maddux. Mr. Askew stated in his letter that Dolores Maddux again disputed the validity and the amount of the debt allegedly owing from CitiFinancial Account and that MRCA

owned the debt. In his letter and in his subsequent telephone conversation with an MRCA employee identifying himself as Ben Blanco, Mr. Askew advised MRCA that MRCA was not to have any further communication with Dolores Maddux, Gilbert Maddux, Jeni Maddux, or any other person with regard to the disputed CitiFinancial Account.

104. Despite knowledge of Mr. Askew's representation of all Plaintiffs, on or about one evening the week of December 22, 2004, an MRCA employee identifying himself as Ben Blanco repeatedly telephoned the home of Gilbert and Dolores Maddux. Gilbert Maddux reiterated his prior pleas to MRCA not to contact him, told them his family was represented by Mr. Askew, informed them to stop calling and hung up. MRCA employees immediately and repeatedly called back no fewer than twelve (12) times in approximately five minutes and hung up on Gilbert Maddux.

105. During the course of those calls, an MRCA employee mocked Gilbert and Dolores Maddux, stating to Gilbert Maddux, "You're crazy." "Pull the [alleged debt] Dolores owes out your rear and pay it. I don't sleep with [Dolores] so you pay it." An MRCA employee also said in sinister fashion, "It's gonna be a long night."

106. Gilbert Maddux continued to plea with MRCA to not to keep calling his and Dolores' home because his baby grandchildren were sleeping. An MRCA employee mocked Gilbert Maddux saying, "You don't wear the pants in the family. You don't make decisions in that household. The only decision you wish to make right now is 'please don't wake the kids.' They're not my kids. I don't have to spend the rest of the day with them. I am not worried about waking anyone's kids. I get paid by the hour and have all night."

107. MRCA employees persisted in their harassing and abusive telephone calls to Gilbert and Dolores Maddux at their home that same night. MRCA employees said, “What do you teach your kids? Do you teach them how to be thieves? You’re a thief . . . a slacker. Your wife is a thief. Your kids sure as hell didn’t learn [to pay their bills] from your wife. Your wife is extremely dishonest.” MRCA employees called Dolores, Gilbert and their grandchildren “thieves” that night no fewer than ten (10) times.

108. On January 5, 2005, knowing the Maddux family to be represented by attorney Larry Askew, MRCA employee Ben Blanco (Dannell Benning) wrote a letter to Ms. Maddux directly and sent it to her home.

109. At 3:54 p.m. on February 9, 2005, MRCA again called Jeni Maddux’s home at 816-763-1175. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux’s owed to it. The call lasted less than 30 seconds.

110. At 3:56 p.m. on February 9, 2005, MRCA called Gilbert Maddux’s cellular telephone at work at 816-694-6053. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux’s owed to it. The call lasted less than 30 seconds.

111. At 8:55 a.m. on February 14, 2005, MRCA called Jeni Maddux’s home at 816-763-1175. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux’s owed to it. The call lasted less than 30 seconds.

112. At 1:16 p.m. on February 16, 2005, MRCA called Jeni Maddux’s home at 816-763-1175. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux’s owed to it. The call lasted less than 30 seconds.

113. At 11:16 a.m. on February 21, 2005, MRCA called Jeni Maddux's home at 816-763-1175. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

114. At 12:57 p.m. on February 21, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 1 minute and 6 seconds.

115. At 6:08 p.m. on February 22, 2005, MRCA called Jeni Maddux's home at 816-763-1175. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

116. Immediately afterwards, at 6:10 p.m. on February 22, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted 1 minute and 49 seconds.

117. At 6:13 p.m. on February 22, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

118. Minutes later, at 6:29 p.m. on February 22, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

119. Seconds later, at 6:32 p.m. on February 22, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

120. Seconds later, at 6:33 p.m. on February 22, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted 1 minute and 43 seconds.

121. Seconds later, at 6:35 p.m. on February 22, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted 1 minute and 16 seconds.

122. Seconds later, at 6:36 p.m. on February 22, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted 1 minute and 14 seconds.

123. Seconds later, at 6:38 p.m. on February 22, 2005, MRCA called Gilbert and Dolores Maddux's home at 913-385-0020. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted 2 minutes and 42 seconds.

124. At 8:19 a.m. on March 5, 2005, MRCA called Gilbert Maddux's cellular telephone at 816-694-6053. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted 45 seconds.

125. At 6:16 p.m. on March 7, 2005, MRCA called Gilbert Maddux's cellular telephone at 816-694-6053. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

126. At 10:35 a.m. on March 9, 2005, MRCA called Gilbert Maddux's cellular telephone while he was at work at 816-694-6053. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

127. At 3:03 p.m. on March 9, 2005, MRCA called Gilbert Maddux's cellular telephone while he was at work at 816-694-6053. MRCA again called for the purposes of attempting to collect the debt it alleged Dolores Maddux's owed to it. The call lasted less than 30 seconds.

128. During the calls MRCA placed to Jeni Maddux's home, Gilbert and Dolores Maddux's home, and Gilbert Maddux's cell phone from February 9, 2005 through March 9, 2005, Plaintiffs remained represented by attorney Larry Askew. During each call MRCA made to each Plaintiff, Plaintiffs advised MRCA Mr. Askew still represented them, not to contact them, and that they still disputed the validity of the amount of the debt allegedly owing to MRCA.

129. During the course of the telephone calls placed to Dolores and Gilbert Maddux's home on February 22, 2005, MRCA employees repeatedly used profanity, abusive language, threatened to destroy their personal credit and hung up on Gilbert and Dolores Maddux.

130. At all the times noted above, MRCA utilized telephone caller identification blocking to mask the identity and/or originating telephone number of the

caller. Furthermore, MRCA employees, including Dannel Benning, utilized only their aliases while communicating with Plaintiffs and others regarding the debt Dolores Maddux allegedly owed it.

131. Upon learning of the unauthorized access of Dolores' and Gilbert's credit reports as MRCA attempted to collect debt Dolores Maddux allegedly owed to MRCA, Jeni Maddux and Gilbert Maddux paid a credit reporting agency \$90.00 (\$30.00 for each report) to obtain copies of their credit reports in order to monitor whether MRCA or others have accessed their personal credit information without their authorization or consent.

132. Jeni Maddux has also entered into an agreement with a credit reporting agency under which she has agreed to pay \$14.95 per month to obtain a copy of her credit report each monthly in order so she can monitor them to insure that MRCA and other others do not access them or obtain copies of them without a legally permissible purpose to do so.

133. Jeni Maddux was born on January 2 1980, she is presently 27 years old, and has a life expectancy of an additional 54.3 years.

134. The Court finds that Defendant MRCA was at all times intending to collect a debt and, through it above actions, engaged in conduct the natural consequence of which was to cause all of the Plaintiffs to suffer humiliation and deprive each Plaintiff of his or her privacy.

II. CONCLUSIONS OF LAW

135. MRCA violated the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1691 *et seq.* (hereafter "FDCPA") with respect to each of the Plaintiffs.

MRCA engaged in conduct the natural consequence of which was to harass, oppress and abuse Dolores Maddux, Gilbert Maddux, and Jeni Maddux in violation of Section 806 of the FDCPA, 15 U.S.C. § 1692d. In particular, MRCA, whose employees acted within the scope of their employment and with the intent to collect a debt on behalf of MRCA, used obscene and profane language or language the natural consequence of which was to abuse the hearer in violation of Section 806(2) of the FDCPA, 15 U.S.C. § 1692d(2).

136. MRCA used false, deceptive and misleading misrepresentations or means upon Dolores Maddux, Gilbert Maddux and Jeni Maddux in violation of Section 807 of the FDCPA, 15 U.S.C. § 1692e. In particular, MRCA employees, acting within the scope of their employment and with the intent to collect a debt on behalf of MRCA:

(a) falsely represented or implied to Jeni Maddux that nonpayment of the CitiFinancial Account would result in her arrest or imprisonment, which such action was not lawful and when MRCA had no intention of taking such action in violation of Section 807(4) of the FDCPA, 15 U.S.C. § 1692e(4);

(b) threatened to take legal action that could not be taken or that MRCA did not intend to take in violation of Section 807(5) of the FDCPA, 15 U.S.C. § 1692e(5);
and

(c) used false representations and deceptive means to collect or attempt to collect a debt or obtain information concerning a consumer in violation of Section 807(10) of the FDCPA, 15 U.S.C. § 1692e(10).

137. MRCA employees, acting within the scope of their employment, communicated with Dolores Maddux, Gilbert Maddux and Jeni Maddux without their

prior consent given directly to MRCA or the express permission of a court of competent jurisdiction:

(a) at times and places MRCA knew or should have known to be inconvenient to Plaintiffs, including, but not limited to, contacting Gilbert and Dolores Maddux prior to 8:00 a.m. in violation of Section 805(a)(1) of the FDCPA, 15 U.S.C. § 1692(a)(1);

(b) at Gilbert Maddux's and Jeni Maddux's place of employment when MRCA knew or had reason to know that each of their employers prohibited them from receiving such communications in violation of Section 805(a)(3) of the FDCPA, 15 U.S.C. § 1692c(a)(3); and

(c) when MRCA knew Dolores Maddux and Gilbert Maddux were represented by an attorney with respect to such debt and had knowledge of, or could readily ascertain, such attorneys name and address in violation of Section 805(a)(2) of the FDCPA, 15 U.S.C. § 1692c(a)(2).

138. MRCA employees, acting within the scope of their employment and with the intent to collect a debt on behalf of MRCA, communicated with third parties (including, but not limited to, Jeni Maddux, Gilbert Maddux, Adam Martin, Reba Metzel, Kamera Bollinger) for purposes other than acquiring location information about Dolores Maddux, without having obtained directly the prior consent of Dolores Maddux or the express permission of a court of competent jurisdiction, and when not reasonably necessary to effectuate a post judgment judicial remedy in violation of Section 805(b) of the FDCPA, 15 U.S.C. § 1692c(b).

139. MRCA employees, acting within the scope of their employment and with the intent to collect a debt on behalf of MRCA, communicated with Dolores Maddux, Gilbert Maddux and Jeni Maddux after each notified MRCA that each wished MRCA to cease further communication with them in violation of Section 805(c) of the FDCPA, 15 U.S.C. § 1692c(c).

140. MRCA employees, acting within the scope of their employment and with the intent to collect a debt on behalf of MRCA, contacted Dolores Maddux, Gilbert Maddux, Jeni Maddux knowing that all were represented by an attorney, and MRCA had been instructed not to contact any of them in violation of Section 805(a)(2) of the FDCPA, 15 U.S.C. § 1692c(a)(2).

141. MRCA failed to show by a preponderance of the evidence that any of the above violations resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error, and MRCA did not establish that any foregoing act was done or omitted in good faith conformity with any advisory opinion pursuant to 15 U.S.C. § 1692k(e).

III. DAMAGES

142. As a direct and proximate result of MRCA's violations of the FDCPA, Dolores Maddux suffered actual damages pursuant to 15 U.S.C. § 1692k(a)(1). To compensate Dolores Maddux for the humiliation, embarrassment, stress, prolonged sleeplessness, nervousness, anxiety, fear, loss of privacy, loss of reputation, loss of enjoyment of life and pain and suffering, the Court awards Dolores Maddux **\$250,000.00**.

143. Pursuant to 15 U.S.C. § 1692k(a)(2)(A), the Court further awards Dolores Maddux statutory damages against Defendant MRCA in the amount of **\$1,000.00** [up to

\$1,000.00]. Pursuant to 15 U.S.C. § 1692k(b)(1), the Court has considered the foregoing amount of statutory damages based upon the frequency and persistence of MRCA's noncompliance and the nature of MRCA's noncompliance with the FDCPA. The foregoing statutory damage amount does not consider the extent to which such noncompliance was intentional.

144. As a direct and proximate result of MRCA's violations of the FDCPA, Gilbert Maddux suffered actual damages pursuant to 15 U.S.C. § 1692k(a)(1) as follows: (A) To compensate Gilbert Maddux for the humiliation, embarrassment, stress, loss of sleep, nervousness, anxiety, fear, loss of privacy, loss of reputation, loss of enjoyment of life and pain and suffering, the Court awards Gilbert Maddux \$250,000.00; (B) To compensate Gilbert Maddux for the reasonable fees and costs The Gepford Law Group charged to Gilbert Maddux in order to retain attorney Larry Askew from December 11, 2004 through April 1, 2005, the Court finds in favor of Gilbert Maddux in the amount of \$4,223.27; and (C) To compensate Gilbert Maddux for the actual costs of his past credit monitoring, the Court finds in favor of Gilbert Maddux in the amount of \$30.00 [\$30.00.]

145. Pursuant to 15 U.S.C. § 1692k(a)(2)(A), the Court further awards Gilbert Maddux statutory damages against Defendant MRCA in the amount of \$1,000.00 [up to \$1,000.00]. Pursuant to 15 U.S.C. § 1692k(b)(1), the Court has considered the foregoing statutory damage amount based upon the frequency and persistence of MRCA's noncompliance and the nature of MRCA's noncompliance with the FDCPA. The foregoing statutory damage amount does not consider the extent to which such noncompliance was intentional.

146. As a direct and proximate result of MRCA's violations of the FDCPA, Jeni Maddux suffered actual damages pursuant to 15 U.S.C. § 1692k(a)(1) as follows: (A) To compensate Jeni Maddux for the humiliation, embarrassment, prolonged sleeplessness, loss of reputation, loss of privacy, loss of enjoyment of life, and all other emotional pain and suffering, the Court awards Jeni Maddux \$100,000.00 (B) To compensate Jeni Maddux for the actual costs of her past credit monitoring, the Court finds in favor of Jeni Maddux and against MRCA in the amount of \$30.00; and (C) To compensate Jeni Maddux for the costs of all future credit monitoring, the Court awards Jeni Maddux \$9,687.60 [\$9,687.60 (Remaining Life Expectancy of 54 years/648 months x \$14.95 per month)]

147. Pursuant to 15 U.S.C. § 1692k(a)(2)(A), the Court further awards Jeni Maddux statutory damages against Defendant MRCA in the amount of \$1,000.00 [up to \$1,000.00]. Pursuant to 15 U.S.C. § 1692k(b)(1), the Court has considered the foregoing statutory damage amount based upon MRCA's frequency and persistence of noncompliance and the nature of MRCA's noncompliance with the FDCPA. The foregoing statutory damage amount does not consider the extent to which such noncompliance was intentional.

148. Pursuant to 15 U.S.C. § 1692k(a)(3), Plaintiffs are awarded the costs of the action in the amount of \$3,116.90.

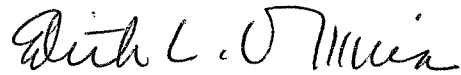
149. Pursuant to 15 U.S.C. § 1692(a)(3), Plaintiffs are also awarded their reasonable attorneys' fees for the successful prosecution of this action. After reviewing the all affidavits of Plaintiffs' attorneys submitted in support and all responses thereto, the Court finds a reasonable hourly rate for Mr. Paul B. Mengedoth to be \$225.00, for a

total of attorneys' fees to Mengedoth Law Firm LLC of \$221,850.00, and a reasonable hourly rate for Mr. Lawrence Gepford to be \$200.00, for a total attorneys' fees to The Gepford Law Group of \$12,452.04. Considering the total number of hours both attorneys spent successfully prosecuting the case, which amount of hours the Court also finds to be reasonable in this case, the Court awards the Plaintiffs their reasonable attorneys' fees in the amount of \$234,302.04

IT IS HEREBY ORDERED:

For the reasons above, judgment shall be entered against MRCA as follows: (1) actual damages to the Estate of Dolores Maddux of \$250,000.00 (2) statutory damages to the Estate of Dolores Maddux of \$1,000.00; (3) actual damages to Gilbert Maddux of \$254,253.27; (4) statutory damages to Gilbert Maddux of \$1,000.00; (5) actual damages to Jeni Maddux of \$109,717.60; (6) statutory damages to Jeni Maddux of \$1,000.00; (7) costs of the action to all Plaintiffs, jointly, of \$3,116.90; and (8) to all Plaintiffs their reasonable attorneys' fees in prosecution of this action in the amount of \$234,302.04.

Dated November 6, 2007.



Judge Messina, Division 12

CERTIFICATE OF SERVICE

I certify that I have caused a true and correct copy of the foregoing to be sent by U.S. mail, postage prepaid, this ____ day of November, 2007, to:

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