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UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

JENNIFER HINES, Plaintiff, vs. MIDLAND CREDIT MANAGEMENT, INC. & JOHNSON MARK, LLC Defendants.	Case No. 1:25-cv-694 **COMPLAINT** DEMAND FOR JURY TRIAL

PETITION

COMES NOW, Plaintiff, Jennifer Hines, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory and actual damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq*. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC § 1692k (d) because Defendants' illicit collection activity was directed at Plaintiff in Canyon County, Idaho.

PARTIES

4. Plaintiff is a natural person currently residing in Canyon County, Idaho.

5. Defendant Midland Credit Management, Inc (Midland) is a Kansas corporation with its principal place of business at 3111 Camino Del Rio North, STE 103, San Diego, CA 92108. The principal business purpose of Defendant is the collection of debts in Idaho and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

6. Defendant Johnson Mark, LLC (Johnson Mark) is a Utah corporation with its principal place of business at 4246 S Riverboat Rd, Suite 100, Salt Lake City, UT 84123. The principal business purpose of Defendant is the collection of debts in Idaho and regionally, and Defendant regularly attempts to collect debts alleged to be due another.

Fair Debt Collection Practices Act

7. Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debts Plaintiff owes arises out of consumer, family, and household transactions.

8. Specifically, Plaintiff believes the alleged debt Defendants are attempting to collect is from a Satisfied Judgment.

9. Defendants are engaged in the collection of debts from consumers using the mail and telephone. Each Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. §1692a (6).

FACTS

10. Defendants' collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

11. On December 20, 2024, Defendant Johnson Mark filed a Complaint against Plaintiff in Canyon County, ID on behalf of its client Midland. The case is titled Midland Credit Management, Inc. v. Jennifer Hines, case number CV14-24-12543.

12. Plaintiff filed an Answer Pro se on January 21, 2025.

13. On April 8, 2025, the court entered Judgment on Plaintiff's behalf for $4,972.95.

14. On August 15, 2025, Defendants filed an Affidavit in Support of Execution and Application for Continuing Garnishment and Proposed Order for Garnishment/Continuing Garnishment. The same day the court issued a Writ of Continuing Garnishment, allowing Defendants to garnish Plaintiff's wages paid by her employer, St. Lukes Health System.

15. Plaintiff received a garnishment notice through the mail on September 5, 2025.

16. After moving money around to make a payment possible, Plaintiff called Johnson Mark on September 9, 2025 and paid her account in full. The Johnson Mark representative whom Plaintiff spoke to informed her that it may take them 30 days to remove the wage garnishment however all money would be returned.

17. The payment cleared Plaintiffs account the next day on September 10, 2025.

18. Defendant Johnson Mark filed a Satisfaction of Judgment with the Canyon County Court on September 30, 2025.

19. As promised, Defendants continued to withdraw money from Plaintiff's paychecks. On October 8, 2025, after Defendants withdrew money Plaintiff needed to survive for the third time, Plaintiff contacted Johnson Mark directly telephone.

20. Johnson Mark's representative denied it was continuing to garnish Plaintiff's

wages and notified Plaintiff the problem most likely was caused by the HR department at St. Luke's as Johnson Mark had not received any money.

21. Plaintiff then contacted her HR department who informed her the Ada County Sheriff's office still had an active garnishment in place. This caused Plaintiff to believe that possibly the Sheriff's office was to blame.

22. On October 23, 2025, Plaintiff had money taken out of her account for the 4th time. She then contacted the Ada County Sheriff's Office (ACSO). She told the representative for the ASCO what was happening. After reviewing Plaintiff's file, the ACSO representative told Plaintiff the following: 1) Johnson Mark has not filed a Release of Garnishment, 2) An active garnishment is still in place on Plaintiff, 3) The ASCO sent Johnson Mark a check for $1,500.00 on October 12, 2025 and 4) Until the ASCO receives a Release of Garnishment money will continue to be withheld from Plaintiff's paychecks.

23. On October 23, 2025, Defendants garnished Plaintiff's account for the fourth time. When Plaintiff contacted the Sheriff, the ASCO representative said Johnson Mark had still not filed the Release of Garnishment.

24. Plaintiff contacted Johnson Mark directly. Johnson Mark's representative admitted the Release of Garnishment had not been filed, stated they did not know why but promised to send an email to find out why. At the end of the call Johnson Mark's representative admitted Plaintiff had paid off the relevant account.

25. On November 6, 2025, Plaintiff's wages were garnished for the 6th time. She contacted the ASCO who confirmed that no Release of Garnishment had been filed and Johnson Mark was still garnishing on the same case #.

26. Plaintiff contacted Johnson Mark the same day however Johnson Mark's

representative this time stated it was not Johnson Mark's fault and to contact the HR department at St. Luke's.

27. Plaintiff's wages are still being garnished to this day.

Violations of the FDCPA

28. Defendants' continued garnishment of Plaintiff's wages after receiving payment in full and filing a Satisfaction of Judgment with the Ada County Court is an unfair practice in violation of 15 U.S.C. § 1692f, which prohibits debt collectors from engaging in unfair or unconscionable means to collect or attempt to collect a debt. Defendants' continued garnishment of Plaintiff's wages after receiving payment in full and filing a Satisfaction of Judgment with the Ada County Court is a misrepresentation of the status of the debt in violation of 15 U.S.C. § 1692e(A) which prohibits debt collectors from using any false, deceptive, or misleading representations or means in connection with the collection of any debt. Defendants' representations to Plaintiff that the repeated and illegal garnishments were the fault of the HR department of her employer is a misrepresentation in violation of 15 U.S.C. § 1692e, which prohibits debt collectors from using any false, deceptive, or misleading representations or means in connection with the collection of any debt.

29. Defendants' collection activities have caused Plaintiff to incur actual damages including the loss of funds illegally garnished from her wages, emotional distress, sleeplessness, and worry.

COUNT I:

VIOLATION OF THE FDCPA – MCM

30. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

31. In Defendants' attempt to collect the alleged debt from Plaintiff, Defendants have

committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Engaging in unfair and unconscionable means to collect or attempt to collect a debt by repeatedly garnishing Plaintiff's wages after satisfying the judgment in full.

b. Using misleading representations in connection with the collection of any debt by continuing to garnish Plaintiff's wages after satisfying the judgment in full.

c. Using misleading representations in connection with the collection of any debt by telling Plaintiff the reason her wages are continuing to be garnished was the fault of her employers' HR department.

COUNT II:

VIOLATION OF THE FDCPA – JOHNSON MARK, LLC

32. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

33. In its attempt to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Engaging in unfair and unconscionable means to collect or attempt to collect a debt by repeatedly garnishing Plaintiff's wages after satisfying the judgment in full.

b. Using misleading representations in connection with the collection of any debt by continuing to garnish Plaintiff's wages after satisfying the judgment in full.

c. Using misleading representations in connection with the collection of any debt by telling Plaintiff the reason her wages are continuing to be garnished was the fault of her employers' HR department.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

A. Judgment that Defendant's conduct violated the FDCPA;

B. Actual damages;

C. Release of the alleged debt;

D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692(k); and

E. For such other relief as the Court may deem just and proper.

Respectfully submitted by,

/s/ *Barkley Smith*________
Barkley B. Smith