

SUPREME COURT OF FLORIDA

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CONSOLIDATED CASE NOS. SC18-2142 and SC18-2143

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EUGENE HAM, III and LAURA FOXHALL,

Petitioners,

vs.

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Respondent.

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**MOTION OF RECEIVABLES MANAGEMENT ASSOCIATION  
INTERNATIONAL FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN  
SUPPORT OF RESPONDENT**

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The Receivables Management Association International, through its counsel, moves pursuant to Florida Rule of Appellate Procedure 9.370 for leave to file an Amicus Curiae brief in support of Respondent and in support states as follows:

**I. Movant's interest.** "Receivables Management Association International (formerly DBA International) is the nonprofit trade association that represents more than 550 companies that support the purchase, sale, and collection of performing and nonperforming receivables on the secondary market. RMAI member companies work in a variety of financial services fields, including debt buying companies, collection agencies, law firms, originating creditors,

international members and industry-related product and service providers. RMAI provides its members with extensive networking, educational, and business development opportunities in asset classes that span numerous industries. The association publishes a bi-annual magazine and newsletter, provides educational and networking opportunities at major forums, events and conferences, represents the membership before federal and state agencies, and supports the industry where appropriate in appellate cases. RMAI's Receivables Management Certification Program and its Code of Ethics set the global standard within the receivables industry due to its rigorous uniform industry standards of best practice which focus on the protection of the consumer. RMAI continually sets the standard in the receivables management industry through its highly effective grassroots advocacy, conferences, committees, taskforces, publications, webinars, teleconferences, and breaking news alerts. Founded in 1997, RMAI is headquartered in Sacramento, California." See <https://rmaintl.org/about-rmai/>.

**II. The particular issues to be addressed.** Amicus RMAI will address (a) the scope of the industry involved in the purchase, sale, and collection of accounts receivable on the secondary market; (b) the role of debt sellers and buyers in the consumer financial services industry; and (c) what will likely happen to consumers if creditors and debt collectors can no longer choose to sue under an account stated theory and instead must sue on the underlying credit contract.

**III. How the movant can assist the Court in the disposition of the case.**

Amicus RMAI will assist the Court by explaining how the purchase, sale, and collection of accounts receivable on the secondary market works, industry standards and best practices focused on protecting consumers and legitimate purchasers, sellers, and collectors of accounts receivable on the secondary market and the likely adverse effect on consumers of stripping plaintiffs of the right to choose its cause of action.

**IV. Whether all parties consent to the filing of the amicus brief.**

Petitioners and Respondent consent to the filing of the Amicus Curiae Brief that is the subject of this motion.

Dated the 19<sup>th</sup> day of February, 2020.

Respectfully submitted,

RECEIVABLES MANAGEMENT  
ASSOCIATION INTERNATIONAL

*/s/ Hector E. Lora*

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## Certificate of Service

I CERTIFY that on the 19<sup>th</sup> day of February, 2020, I caused a copy hereof to be served on the following parties via electronic mail (“E-mail”) through the Florida Courts E-filing Portal pursuant to Florida Rule of Civil Procedure 1.080 and Florida Rule of Judicial Administration 2.516:

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