**Memorandum in Support**

 **House Bill 251**

Dear Chairman Eklund, Vice Chairman Maning, Ranking Member Thomas, and Members of the Senate Judiciary Committee:

My name is Kimberly Klemenok, I’m a Regional Managing Attorney at Midland Credit Management, a subsidiary of Encore Capital Group which I’ll refer to collectively as “Encore.” I’ve worked at Encore for 8 years and have been a practicing attorney in Ohio for 22 years. I am here today, on behalf on Encore, to testify in support to House Bill 251.

By way of background, Encore is a publicly traded company that is the largest purchaser of charged off credit card debt in the nation. We’ve provided over 60 years of service to Ohio consumers, and in 2019 helped over 1.2 million Ohioans find their way to financial independence by forgiving over $7.1 million dollars in debt by way of discounted payment plans.

We recognize that this bill is the result of many months of significant work, done between the numerous stakeholders and members of the House, including: Representatives Lang, Hillyer, Majority Floor Leader Seitz, and Chairman Hambley. They respectfully listened to the very real concerns we, along with other industry members raised, at the House Civil Justice Committee hearing in October of 2019. This revised bill would create much-needed clarification regarding the application of Ohio’s various statutes of limitations, including the borrowing statute.

HB 251 now addresses existing uncertainty of how to calculate the statute of limitations on a credit card debt claim. The bill also creates a needed limitation on certain contract and related actions so a plaintiff cannot seek both the benefit of a longer statute of limitations under Ohio law, while also seeking a rate of interest under the law of another state higher than what Ohio law allows.

Clarifying these fundamental aspects of the law will create a level playing field for all parties in litigation, and significantly lessen costly litigation over this subject matter that does not benefit Ohio consumers or the companies working with those consumers.

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In closing, we feel that HB 251 is a positive for all parties involved. I respectfully urge you to vote YES on HB 251 and I thank the Committee for its time today.

Very truly yours,

Kimberly Klemenok

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