

Bryan Smith Record:

Bryan Smith, a personal injury lawyer, has also enriched himself by collecting debts from Idaho veterans and working families struggling to make ends meet. Smith owns debt collection businesses that have targeted veterans, the disabled and other Idahoans who can't afford to pay their medical bills. One of Smith's debt collection businesses charges interest rates up to 99% and attorney's fees that are often double the principal amount of the loan, which a judge described as "excessive" and "unconscionable."

Background:

SMITH AS A PERSONAL INJURY LAWYER

- *Bryan Smith is a partner at the law firm Smith, Driscoll & Associates and lists "personal injury" as an area of expertise.*

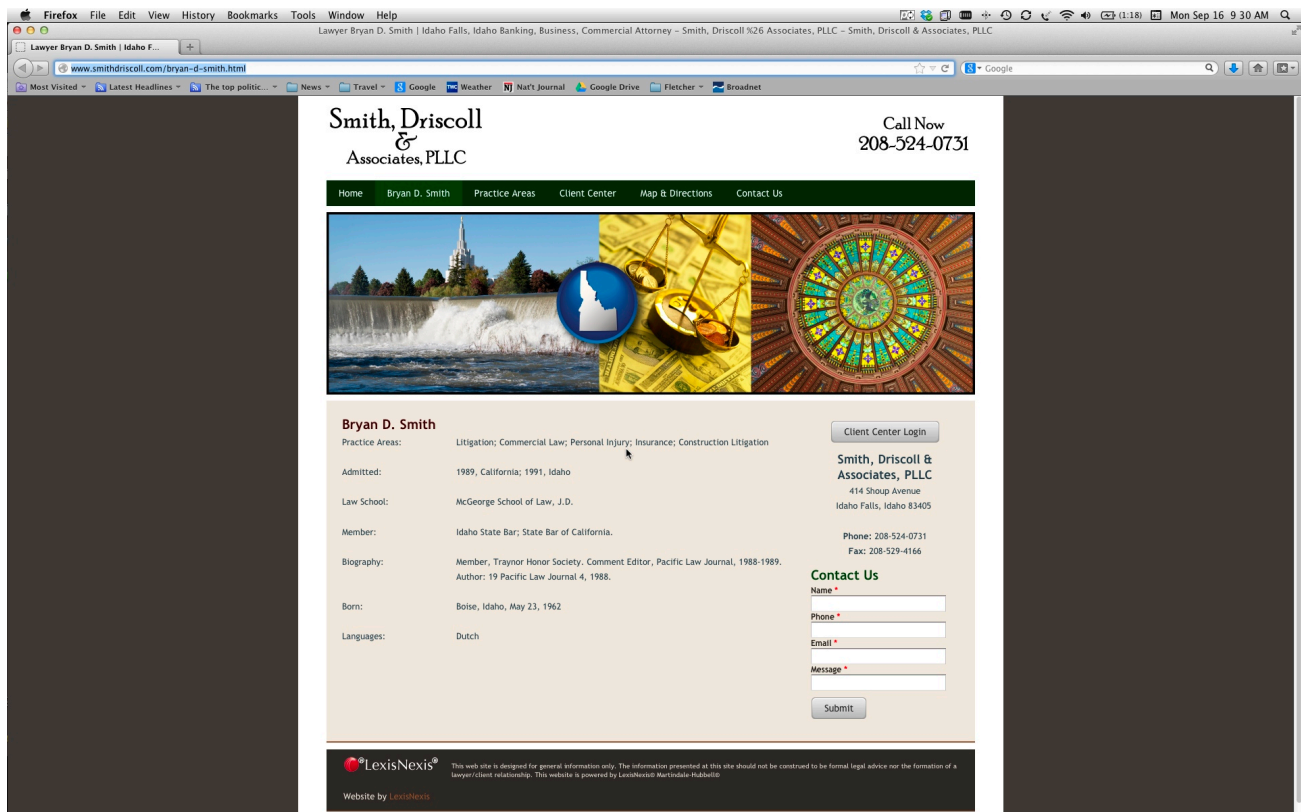
On His Firm's Website, Smith Is Listed As A "Personal Injury" Lawyer:

On His Law Firm's Website, Smith Is Listed As A "Personal Injury" Lawyer. (Smith, Driscoll & Associates, PLLC Website, <http://www.smithdriscoll.com/bryan-d-smith.html>, Accessed 7/25/13)

Bryan D. Smith

Practice Areas: Litigation; Commercial Law; Personal Injury; Insurance; Construction Litigation

(Smith, Driscoll & Associates, PLLC Website, <http://www.smithdriscoll.com/bryan-d-smith.html>, Accessed 7/25/13)



(Smith, Driscoll & Associates, PLLC Website, <http://www.smithdriscoll.com/bryan-d-smith.html>, Accessed 9/16/13)

Smith Is A Name Partner At The Firm Smith, Driscoll & Associates, Based In Idaho Falls.

Among the practice areas listed on the Smith, Driscoll & Associates website are “personal injury, “products liability,” and “workers compensation.” (Smith, Driscoll & Associates [Website](#), Accessed 6/25/13. Website no longer active.)

Idaho Statesman: "On Smith’s business website he lists 'personal injury' third on a list of five practice areas: "Litigation; Commercial Law; Personal Injury; Insurance; Construction Litigation." ...Smith is the only one listed as practicing personal-injury law." ([Idaho Statesman](#) 9/10/2013)

Smith’s Martindale-Hubbell biography states he is a personal injury lawyer:

Martindale-Hubbell law directories for 2009-2013 list personal injury as one of Smith's five areas of practice.

Background On Smith’s Firm, Smith, Driscoll & Associates, PLLC:

Practice Areas Include:

- Banking
- Business
- Commercial
- Creditor Bankruptcy
- General Civil Practice

- Insurance Defense
- Municipal Law
- Personal Injury
- Products Liability
- Real Estate
- Trusts and Estates
- Wills and Probate
- Workers Compensation

(Smith, Driscoll & Associates, PLLC Website, <http://www.smithdriscoll.com/practice-areas.html>, Accessed 7/14/13)

SMITH AS A DEBT COLLECTOR

- *Smith is associated with two separate debt collection firms; one is called Diversified Equity Systems and the other is Medical Recovery Services. The two companies have filed more than ten thousand lawsuits in Idaho.*
- *NOTE: Diversified Equity Systems is located in the office building that also houses Smith's law firm. Additionally, Smith's wife appears to be the only member listed on the company's state filings. Smith's wife also only uses her initials on the official state filings.*
- *Smith, Driscoll & Associates is the counsel listed as the attorney for a majority of cases involving Diversified Equity Systems.*
- *Smith is associated with Medical Recovery Services (MRS) in a variety of ways: he was listed as a manager from 2002 through 2007 on the company's state filings, he is listed as a point of contact in public searches and his law firm and MRS is listed as a client of Smith's law firm. Additionally, employees at MRS have contributed to Smith's congressional campaign.*

Background on Diversified Equity Systems:

Diversified Equity Systems, LLC

File Number: W97972

Status: Existing

Date of Origination/Authorization: November 15, 2010

Current Registered Agent: G. Lance Nalder, Esq., 591 Park Ave, Suite 201, Idaho Falls, ID 83402

According To Its [Google+ Page](#), Diversified Equity Systems Is An Idaho Falls-Based "Loan Agency" Located At 414 Shoup Avenue – Smith's Office Building.

Diversified Equity Systems Appears To Be A Smith Family Business. According to the company's Certificate of Organization, the street address of its principal office at the time of its founding was Smith's home in Idaho Falls. The only LLC member listed is "S.M. Smith" – which

matches the first name and middle initial of Bryan Smith's wife, Sharon M. Smith. (Idaho Secretary of State, LLC [Certificate](#) of Organization, 11/15/10)

- [View The Certificate Of Organization Here](#)

The LLC Was Dissolved By The State In February 2013 For Failing To File An Annual Report But Was Reinstated The Next Month. "I, Ben Ysursa, Secretary of State of the State of Idaho, hereby certify that the certificate of organization of Diversified Equity Systems, LLC ... was administratively dissolved on February 11, 2013, for failure to file the required annual report form by the date due. I further certify that the limited liability company has on March 20, 2013, been reinstated on the records of this office, and that its certificate of organization in the State of Idaho are hereby restored." (Idaho Secretary of State, LLC Reinstatement [Certificate](#), 3/20/13)

- [View The Reinstatement Certificate Here](#)
- **Diversified Equity Systems Was Conducting Business During The Time Frame Of Its Administrative Dissolution.** As an example, the company filed a complaint on February 19, 2013 in Bonneville County court against Lisa and Galen Bush. According to state records, the LLC had been administratively dissolved eight days earlier. The court later ruled in favor of the plaintiff in a judgment of more than \$12,200. (Case [CV-2013-0000924-OC](#), Filed 2/19/13)

Diversified Equity Systems Is An Active Plaintiff In The Idaho Court System In Pursuit Of Civil Claims Against Individual Debtors. A review of judicial records shows 238 cases brought by Diversified Equity Systems in Idaho courts from 2011 onward. The firm is represented by Smith, Driscoll & Associates lawyers in court. The judgments awarded to Diversified Equity Systems range from a few hundred dollars to some cases exceeding \$30,000, with most judgments appearing to fall in the range of \$10,000 to \$20,000. (Idaho State Judiciary Website, www.idcourts.us, Accessed 7/14/13)

NOTE: Bryan Zollinger, Of Smith, Driscoll & Associates, Listed As Attorney In Majority Of Cases Denoting Counsel For Diversified Equity Systems. (Idaho Supreme Court Website, <https://www.idcourts.us/repository/start.do>, Accessed 9/20/13)

Background On Medical Recovery Services:

Medical Recovery Services Website: <http://www.goredtoblack.com/about.htm>

- **NOTE: On The Website, There Is Not Name Associated With The Company.** (Medical Recovery Services Website, <http://www.goredtoblack.com/about.htm>, Accessed 10/7/13)

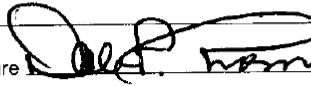
Background On Website: "When you partner with Medical Recovery Services, you can rest assured that our expert staff of attorneys and collection specialists will take care of all your collection questions and training needs, enabling you to focus on what you do best - providing the best healthcare possible to your clients." (Medical Recovery Services Website, <http://www.goredtoblack.com/about.htm>, Accessed 10/7/13)

Smith's Law Firm Has Represented Medical Recovery Services. "Smith, Driscoll & Associates, PLLC, Idaho Falls, for appellant [Medical Recovery Services]." (Medical Recovery Services, LLC, An Idaho

Limited Liability Company, Plaintiff-Appellant, V. Billy M. Carnes, Defendant-Respondent, [Court Of Appeals Of Idaho](#), 3/25/10)

Bryan Smith Listed As A Manager For Medical Recovery Services On Initial LLC Filing With State In 2002 Through 2007. (Secretary Of State Website, <http://www.sos.idaho.gov>, Accessed 9/24/13)

- **Other Managers Were Dale Thomson, Ned Zollinger And Gullborn Investment, Family Limited Partnership.** (Secretary Of State Website, <http://www.sos.idaho.gov>, Accessed 9/24/13)

No. W 17473		Due no later than Dec 31, 2002 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this box, if applicable MEDICAL RECOVERY SERVICES, LLC. THOMSON LAW OFFICES CHARTERED PO BOX 609 REXBURG, ID 83440		DALE P THOMSON ESQ 115 E MAIN ST REXBURG, ID 83440	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Companies: Enter Names and Addresses of Managers.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Manager	Dale P. Thomson	P. O. Box 609	Rexburg	ID	83440
Manager	Bryan D. Smith	P. O. Box 50731	Idaho Falls	ID	83405
Manager	Gullborn Invest.	3373 Charleston Lane	Idaho Falls	ID	83404
	Family Limited Partnership				
Manager	Ned A. Zollinger	P. O. Box 276	Rexburg	ID	83440
5. Organized Under the Laws of: IDAHO W 17473		6. Signature  Date <u>10.16.02</u> Name (Type or Printed) <u>Dale P. Thomson</u> Title <u>Manager</u>			

(Secretary Of State Website, <http://www.sos.idaho.gov>, Accessed 9/24/13)

On Lexis/Nexis Database For Businesses, Smith Is Listed As A Contact For Medical Recovery Services, LLC. (Nexis Public Records Search, www.nexis.com, Accessed 10/7/13)

Business Information
Company Name: MEDICAL RECOVERY SERVICES, LLC
Address: 414 SHOUP AVE IDAHO FALLS, ID 83402-3603 BONNEVILLE COUNTY
Phone: 208-359-9447
Contact Name: SMITH, BRYAN

(Nexis Public Records Search, www.nexis.com, Accessed 10/7/13)

NOTE: Medical Recovery Services Listed As A Client On Smith, Driscoll & Associates' Website. (Smith, Driscoll & Associated Website, <http://www.smithdriscoll.com/index.html>, Accessed 9/30/13)

NOTE: Over 7,000 Cases Involving Medical Recovery Services In Bonneville County, According To Idaho Supreme Court Website. (Idaho Supreme Court Website, <https://www.idcourts.us/repository/start.do>, Accessed 12/18/13)

- **NOTE: Over 1,200 Cases Involving Medical Recovery Services In Bannock County, According To Idaho Supreme Court Website.** (Idaho Supreme Court Website, <https://www.idcourts.us/repository/start.do>, Accessed 12/18/13)
- **NOTE: Over 800 Cases Involving Medical Recovery Services In Jefferson County, According To Idaho Supreme Court Website.** (Idaho Supreme Court Website, <https://www.idcourts.us/repository/start.do>, Accessed 12/18/13)

Example Of Smith Law Firm Handling Of Debtor Exams:

Note: Defendant Billy M. Carnes was a disabled Veteran

Medical Recovery Services Lawyer: “I Need To Have You Turn That [Wallet] Over To Me And We’ll Apply It To Your Judgment.” “In the course of the examination that followed, upon discovering that Carnes had money in his wallet, MRS's attorney told Carnes: ‘I need to have you turn that over to me and we'll apply it to your judgment. If you don't want to do that we can wait. The judge is in a hearing right now and we'll ask him to order you to do it, so, the choice is yours.’ (Medical Recovery Services, LLC, An Idaho Limited Liability Company, Plaintiff-Appellant, V. Billy M. Carnes, Defendant-Respondent, [Court Of Appeals Of Idaho](#), 3/25/10)

In 2012, Medical Recovery Services Was A Member Of ACA International:

ACA International Is A Trade Association Of Credit And Collection Professionals. “ACA International, the Association of Credit and Collection Professionals, is the comprehensive, knowledge-based resource for success in the credit and collection industry. Founded in 1939, ACA brings together 5,000 members worldwide, including third-party collection agencies, asset buyers, attorneys, creditors and vendor affiliates. The association establishes ethical standards; produces a wide variety of products, services and publications; and articulates the value of the credit and collection industry to businesses, policymakers and consumers.” (ACA International Website, <http://www.acainternational.org/about.aspx>, Accessed 10/5/13)

“The New Members Listed Above Are Designated As Either ‘Affiliate,’ ‘Agency,’ ‘Asset Buyer,’ ‘Attorney,’ Or ‘Creditor,’ Based On ACA International's Five Membership Categories. Agency Members Provide A Variety Of Accounts Receivable Management Services To More Than One Million Creditors. Asset Buyer Members Buy, Sell, Finance Or Service Asset Sale Transactions. Attorney Members Practice Law In The Credit And Collection Arena, Representing Fellow ACA Members. Creditor Members Are Experts In Credit Management, Lending And First-Party Collections, Holding Positions Such As Lenders, Credit Union Executives, Managers And Credit Counselors. Vendor Members Supply Goods Or Services To The Credit And Collection Industry.” (“ACA International Welcomes New Members,” *Collector*, 8/12)

- **“MEDICAL RECOVERY SERVICES, Idaho Falls, Idaho (agency)”** (“ACA International Welcomes New Members,” *Collector*, 8/12)

NOTE: On ACA International’s Website, Medical Recovery Services Is Listed As A Member:



(ACA International Website, <http://www.acainternational.org/memberdirectory.aspx>, Accessed 10/5/13)

Excessive and Unconscionable Debt Collection Fees

Bryan Smith, who is a personal injury lawyer, also owns debt collection businesses that have targeted veterans, the disabled and other Idahoans who can't afford to pay their medical bills. One of Smith's debt collection businesses charges interest rates up to 99% and attorney's fees that are often double the principal amount of the loan, which a judge described as "excessive" and "unconscionable."

Background

Medical Recovery Services v. Carnes

- **In January 2007 MRS Sued Billy Carnes Over An Unpaid \$806 Debt To Dr. Douglas Norman¹**
- **Carnes Was An Unemployed Disabled Veteran Who Was Receiving Benefits From The VA Because He Had Been Exposed To Agent Orange.**
 - "Q: When was the last time you worked?
"A: Last October."²
 - "Q: Are you on Social Security Disability?
"A: No, just retirement. I've filed for disability, but I haven't gotten it yet."³

¹ Complaint, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Filed Jan. 10, 2007

² Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

- “Q: Any other income?

“A: I’m making \$230 from VA.

“Q: What is that, VA? Is that a retirement?

“A: No, It’s because of agent orange exposure and stuff like that from the VA. That about does it.”⁴

➤ **Carnes Stated That He Was Terminated From His Last Job Because An Injury Rendered Him Unable To Work**

- “Q: When was the last time you worked?

“A: Last October.”⁵

- “Q: Why did you leave employment there?

“A: I was fired for, I had an injury and I was unable to work, so, because I couldn’t go back to work, the terminated me.”⁶

➤ **Carnes Said His Only Sources Of Income Were Social Security Retirement Benefits Disability Payment From His Previous Job And VA Benefits From Exposure To Agent Orange, However A Claim For Social Security Disability Benefits Was Pending**

- “Q: What’s your source of income now?

“A: Social Security.

“Q: Are you on Social Security Disability?

“A: No, just retirement. I’ve filed for disability, but I haven’t gotten it yet.”⁷

- “Q: Do you have, how are you making up the difference to afford these things?

“A: I’m getting \$233 from Simplot disability.

³ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

⁴ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

⁵ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

⁶ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

⁷ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

“Q: Any other income?”

“A: I’m making \$230 from VA.”⁸

➤ **At A Debtors Exam, Smith Forced Carnes To Turn Out His Wallet Containing \$1,640 He Had Saved Over The Previous Year, And Told Him I Need To Have You Turn That Over To Me And We’ll Apply It To Your Judgment”**

**EDITOR’S NOTE: Smith told Carnes that he could either turn the money over to have it applied to his judgment, or they could wait for the judge to return and order Carnes to surrender the money.*

- “Q: Okay. How much money do you have on you right now?”

“A: I’m not sure. I’ve got a few hundred dollars on me.

“Q: Okay. Open up your wallet. How much is in the account?”

“A: It looks like about \$1540.

“Q: Where does that money come from?”

“A: That’s just money that I’ve saved.

“Q: To pay for this?”

“A: Well, not necessarily, it’s just money over the last year I’ve saved a few dollars here and a few dollars there just for.”⁹

- “Q: Okay, sir. Here’s where we are. You’ve got \$1540 on your person and this is on the record so the record’s running.

“A: I’m not trying to hide anything.

“Q: I know you’re not. I need to have you turn that over to me and we’ll apply it to your judgment. If you don’t want to do that we can wait, the judge is in a hearing right now and we’ll ask him to order you to do it, so the choice is yours.”¹⁰

- “Q: Do you agree with me it’s one, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 1400, 1450, 60, 70, 80, 90. Any more?”

“A: I must have miscounted.

⁸ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

⁹ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

¹⁰ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

“Q: Here’s another hundred right there, so let’s recount it. Anything else in there?”

“A: You can check if you want. I didn’t see that other when you were counting it.”

“Q: Okay. One, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 15, 1640. Do you agree?”

“A: Yep.”¹¹

➤ **After The Debtors Exam Carnes Filed A Counterclaim Accusing MRS Of “Unlawfully Taking Exempt Property” At The Hearing, Accusing Smith Of “Egregious, Oppressive, Fraudulent, Malicious And Outrageous” Conduct, And Seeking The Return Of The Funds MRS Had Received From Him**

- “The Plaintiff/Counterdefendant is guilty of unlawfully taking exempt property which belonged to the Defendant/Counterclaimant.”¹²
- “The conduct of the Plaintiff/Counterdefendant and/or their attorney was egregious, oppressive, fraudulent, malicious, and outrageous, and contrary to both Idaho law and the U.S. Constitution.”¹³
- “WHEREFORE, Defendant/Counterclaimant prays for judgment against the Plaintiff/Counterdefendant for the return of the unlawfully taken funds, reasonable attorney’s fees and costs, and for such other and further relief as to the Court deems just and equitable in the premises.”¹⁴

➤ **MRS And Smith Responded That Carnes’ Payment Was Voluntary, Because Smith Gave Carnes The Choice Between Making The Payment Or Waiting For A Judge To Consider The Issue**

- “The transcript proves that the defendant was sworn in as a witness even though the defendant says he was not sworn in as a witness. More importantly, the transcript proves that counsel for the plaintiff did not force the defendant to pay the money but in fact gave the defendant the choice either to make a voluntary payment or address the issue with the court formally. The defendant, who says he has ‘never, you know, run out on a debt in his life,’ chose to pay the money to counsel for plaintiff.”¹⁵

¹¹ Transcript of Debtors Exam Hearing, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Transcribed July 25, 2008 (Hearing Was Conducted Earlier)

¹² Counterclaim and Demand for Jury Trial, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Filed July 3, 2008

¹³ Counterclaim and Demand for Jury Trial, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Filed July 3, 2008

¹⁴ Counterclaim and Demand for Jury Trial, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Filed July 3, 2008

¹⁵ Response to Defendant’s Motion for Trial and to Return Money, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Filed Aug. 5, 2008

➤ **Carnes' Attorney Also Argued That Smith, Knowing That All Of Carnes' Income Was Exempt From The Judgment, Should Have Informed The Court Of That Fact, And That The Court Could Not Order Carnes To Make A Payment As Smith Had Threatened**

- “At no time did the court or counsel explain to Defendant he had any exemption rights. This is important because the Defendant was not represented by an attorney and knew nothing about exemptions. So what should Plaintiff’s counsel have done? While he probably did not violate any rules of professional conduct these rules do give some guidance as to how to proceed. IRPC 3.3 would indicate he should have told the Court about the Defendant’s income and how it is all exempt and the court could not order any money entitled to exemption to be turned over to plaintiff.”¹⁶

➤ **Carnes' Motion To Return Money Was Denied By The Magistrate Judge**

- “The transcript has been prepared and reveals that funds taken from the Defendant were voluntarily turned over to the Plaintiff’s attorney.

“Based upon the argument of counsel for the parties and briefs on file herein, Defendant’s motion for return of funds is DENIED.”¹⁷

➤ **Carnes Appealed The Decision To The Bannock County District Court, Which Agreed That Carnes Did Not Make The Payment Voluntarily, Had Been Subjected To Intimidation At The Debtors Exam, And Remanded The Case Back To The Magistrate Court**

- “The facts contained in the Transcript of Debtors Exam Hearing demonstrate there was not substantial and competent evidence to support the magistrate’s findings of fact that the Appellant made a voluntary payment. As such, the magistrate’s finding ‘that funds taken from the Defendant were voluntarily turned over to the Plaintiff’s attorney’ is hereby vacated. Based on a review of the transcript, the facts indicate no intent on the part of the Appellant to waive his potential exemption rights. The Appellant should have been informed of those rights. Because he was not, the Appellant certainly did not have knowledge of all the facts and the evidence therefore does not support a finding that the Appellant *voluntarily* relinquished the money from his wallet. Furthermore, the Appellant was additionally subject to intimidation by the judge’s demands that he reveal the contents of his pockets and his wallet and the insistence by the Plaintiff’s attorney that the judge could ‘order’ him to hand over all of his money. Since the issue of whether or not the exemption applies to the subject funds involves questions of fact, this case is hereby remanded to Judge Thomsen for a determination regarding the status of that money.”¹⁸

➤ **The District Court Also Awarded Carnes Attorney Fees, To Which MRS Objected, Claiming They Were Excessive**

¹⁶ Brief, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Filed Aug. 15, 2008

¹⁷ Order, MRS v. Carnes, Case No. CV-07-306, Bannock County Magistrate Court, Filed Aug. 18, 2008

¹⁸ Memorandum Decision and Order, MRS v. Carnes, Case No. CV-07-306, Bannock County District Court, Filed April 14, 2009

**EDITOR'S NOTE: MRS also argued that Carnes' request for fees was not timely, and failed to attach an affidavit of how the fees were calculated.*

- “COMES NOW, Medical Recovery Services, LLC by and through its attorney of record, Bryan D. Smith, Esq., of the firm of Smith, Driscoll & Associates, PLLC, and objects to Billy M. Carnes' Memorandum of Costs and Fees dated April 27, 2009 on the following grounds:”¹⁹
- “3. MRS object to the amount of fees being sought on the grounds that the amount of time is excessive. For example, defendant claims fees for research on waiver, estoppel, and the UCC. The issues involved in this matter are clearly outside the scope of the UCC and defendant has not raised any of these issues in his briefing.”²⁰

➤ **MRS Appealed The District Court Decision To The Idaho Supreme Court, Which Sided With MRS, Reversing The District Court's Judgment In Favor Of Carnes**

- “This appeal arises from Billy M. Carnes's motion to return the money that he gave, during a judgment debtor examination, to Medical Recovery Services, LLC (MRS). The magistrate denied Carnes's motion, but the district court reversed and remanded for further factual determinations and awarded Carnes attorney fees. On appeal, MRS argues that the district court erred in reversing the decision of the magistrate court because substantial and competent evidence support the magistrate's findings and the district court misapplied the law.”²¹
- “The district court's decision reversing the magistrate's order denying Carnes's motion for return of his payment to MRS is reversed. Costs and attorney fees on this appeal are awarded to MRS. The matter is remanded to the district court for determination of costs and attorney fees to which MRS is entitled for the proceedings below.”²²

¹⁹ Objection to Defendant's Memorandum of Costs and Fees, MRS v. Carnes, Case No. CV-07-306, Bannock County District Court, Filed May 8, 2009

²⁰ Objection to Defendant's Memorandum of Costs and Fees, MRS v. Carnes, Case No. CV-07-306, Bannock County District Court, Filed May 8, 2009

²¹ 2010 Opinion No. 20, MRS v. Carnes, Docket No. 36500, Court of Appeals of the State of Idaho, March 25, 2010

²² 2010 Opinion No. 20, MRS v. Carnes, Docket No. 36500, Court of Appeals of the State of Idaho, March 25, 2010

Diversified Equity Systems v. Gill

- **In August 2011 Diversified Equity Systems Sued Linda Gill Over An Unpaid Debt To Payday Lender CashCall²³**
- **Initially DES Requested \$6,897.28 In Interest On The \$2,208.78 Principal, And \$3,187.12 In Attorney Fees²⁴**
- **Gill Failed To Respond To The Summons And In November 2011 DES Was Awarded Default Judgment, With Attorney Fees Reduced To \$600, And Interest Reduced To \$2,000²⁵**
- **DES Filed A Motion To Reconsider, Asking To Increase The Interest Due To \$7,325.65 To Reflect 96 Percent Interest On The Loan From When It Originated In June 2008²⁶**
- **The Interest Continued To Accrue At The Same Rate After DES Assumed The Debt And Filed Suit To When The Default Judgment Was Entered²⁷**
- **The Court Granted The Motion To Reconsider, And Awarded Interest Of \$7,325.65 To DES²⁸**

²³ Complaint, DES v. Gill, Case No. CV-11-16067, Ada County Magistrate Court, Filed Aug. 22, 2011

²⁴ Complaint, DES v. Gill, Case No. CV-11-16067, Ada County Magistrate Court, Filed Aug. 22, 2011

²⁵ Default Judgment, DES v. Gill, Case No. CV-11-16067, Ada County Magistrate Court, Filed Nov. 2, 2011

²⁶ Motion for Reconsideration, DES v. Gill, Case No. CV-11-16067, Ada County Magistrate Court, Filed Nov. 16, 2011

²⁷ Schedule of Payments to Diversified Equity Systems, DES v. Gill, Case No. CV-11-16067, Ada County Magistrate Court, Nov. 14, 2011

²⁸ Amended Default Judgment, DES v. Gill, Case No. CV-11-16067, Ada County Magistrate Court, Filed Dec. 22, 2011

Diversified Equity Systems v. Garcia

- **In December 2012 Diversified Equity Systems Sued Esther Garcia Over An Unpaid Debt To The Payday Lender CashCall²⁹**
- **At The Time DES Filed The Suit Garcia Owed \$2,493.25 On The Principal Of Her Loan, However Interest Had Accrued To Over \$11,000³⁰**
- **Garcia Did Not Reply To The Summons, Resulting In DES Being Awarded Default Judgment, Including \$600 In Attorney Fees Of The \$4,765.76 It Requested³¹**

**EDITOR'S NOTE: The following statements by Judge Young are taken from a summary of proceedings at a default judgment hearing, NOT AN EXACT TRANSCRIPT.*

- **At A July 3, 2013 Hearing In The Case, Presiding Judge Patricia Young Said She Found “The Amounts Exceeding Excessive,” That She Was “Not Sure I Have Authority To Raise Issue Of Unconscionable And Ethical Questions,” And That **She Thinks These Types Of Cases “Are Really Unconscionable”³²****

²⁹ Complaint, DES v. Garcia, Case No. CV-12-22614, Ada County Magistrate Court, Filed Dec. 10, 2012

³⁰ Complaint, DES v. Garcia, Case No. CV-12-22614, Ada County Magistrate Court, Filed Dec. 10, 2012

³¹ Default Judgment, DES v. Garcia, Case No. CV-12-22614, Ada County Magistrate Court, Filed July 9, 2013

³² Summary of Proceedings at Default Hearing, DES v. Garcia, Case No. CV-12-22614, Ada County Magistrate Court, July 3, 2013

Diversified Equity Systems v. Wirht

- **Diversified Equity Systems Sued Jeffrey And Brenda Wirht Over Debt Owed To US Bank³³**
- **Jeffrey Wirht Objected, Claiming No Knowledge Of Any Line Of Credit With US Bank And That DES Failed To Respond To Any Of Wirht's Requests For Documentation Of Debt^{34, 35}**
- **DES's Claim Against Wirht Was Dismissed With Prejudice, As The Court Found That DES “Had Failed To Produce Any Admissible Evidence That Jeffrey Had A Valid Debt To US Bank; Or That Such A Debt Had Properly Been Assigned” To DES³⁶**

**EDITOR'S NOTE: DES filed a notice that it did not oppose summary judgment in the case.*

- **Wirht Then Filed A Motion For An Award Of Costs And Fees, Which Was Opposed By DES^{37, 38}**
- **The Court Found Wirht's Request Reasonable And Awarded Him Costs And Fees As Requested³⁹**

³³ Complaint, DES v. Wirht, Case No. CV-13-3479, Ada County District Court, Filed Feb. 21, 2013

³⁴ Affidavit of Jeffrey Wirht in Support of Defendant Jeffrey Wirht's Motion for Summary Judgment, DES v. Wirht, Case No. CV-13-3479, Ada County District Court, Filed Aug. 1, 2013

³⁵ Affidavit of Counsel in Support of Defendant Jeffrey Wirht's Motion for Summary Judgment, DES v. Wirht, Case No. CV-13-3479, Ada County District Court, Filed Aug. 1, 2013

³⁶ Judgment, DES v. Wirht, Case No. CV-13-3479, Ada County District Court, Filed Aug. 30, 2013

³⁷ Affidavit of Jade C. Stacey in Support of Defendant Jeffrey Wirht's Memorandum of Fees and Costs, DES v. Wirht, Case No. CV-13-3479, Ada County District Court, Filed Sept. 5, 2013

³⁸ Objection & Opposition to Defendant's Motion for Award of Attorneys Fees & Costs, DES v. Wirht, Case No. CV-13-3479, Ada County District Court, Filed Sept. 12, 2013

³⁹ Memorandum Decision & Order re: Costs & Attorney Fees, DES v. Wirht, Case No. CV-13-3479, Filed Oct. 11, 2013

Medical Recovery Services v. Govan

- **Medical Recovery Services Sued Herman Govan Over Debt Owed To Rocky Mountain Surgery Center⁴⁰**
- **Govan Did Not Respond To The Summons, Resulting In MRS Pursuing And Being Awarded Default Judgment, Including Attorney Fees Of \$150, \$200 Less Than Requested⁴¹**
- **A Mistake In The Initial Default Judgment Led To Interest Of \$504.98 Being Awarded, Which Was Revised To \$1.99 In An Amended Judgment.⁴²**
- **After Govan Paid Off The Original Judgment, MRS Applied For \$1,267 In Supplemental Attorney Fees⁴³**
- **At A Hearing On MRS's Motion, The Govans Objected To The Fees Claimed For Work In The Spring And Summer 2008, Arguing That "Mistakes Made By Plaintiff's Counsel Caused This Work And That It Was Unnecessary Work That Was Done"⁴⁴**
- **MRS's Attorney Could Not Respond To That Argument, And The Court Removed \$205 From The Supplemental Attorney Fees, Awarding A Total Of \$1,062⁴⁵**
- **The Request For Supplemental Attorney Fees Included \$94.50 To Prepare The Request For Additional Fees, And \$39 To Receive And Review Wage Garnishments⁴⁶**

⁴⁰ Complaint, MRS v. Govan, Case No. CV-06-4975, Bannock County Magistrate Court, Filed Nov. 13, 2005

⁴¹ Default Judgment, MRS v. Govan, Case No. CV-06-4975, Bannock County Magistrate Court, Filed Jan. 5, 2007

⁴² Amended Judgment, MRS v. Govan, Case No. CV-06-4975, Bannock County Magistrate Court, Filed Jan. 16, 2007

⁴³ Judgment & Order, MRS v. Govan, Case No. CV-06-4975, Bannock County Magistrate Court, Filed Nov. 13, 2010

⁴⁴ Judgment & Order, MRS v. Govan, Case No. CV-06-4975, Bannock County Magistrate Court, Filed Nov. 13, 2010

⁴⁵ Judgment & Order, MRS v. Govan, Case No. CV-06-4975, Bannock County Magistrate Court, Filed Nov. 13, 2010

⁴⁶ Invoice Submitted to MRS from Smith, Driscoll & Associates re: MRS v. Herman Govan, MRS v. Govan, Case No. CV-06-4975, Bannock County Magistrate Court, Jan. 17, 2007 – Aug. 30, 2010

Diversified Equity Systems v. Gollihugh

- **Diversified Equity Systems Sued Alta Gollihugh Over Unpaid Debt To Wells Fargo⁴⁷**
- **Gollihugh Failed To Respond To The Summons, And DES Was Awarded Default Judgment, Including \$2,356.66 In Attorney Fees, \$11,608.49 Less Than It Requested⁴⁸**
- **After The Judgment, Gollihugh's Attorney Wrote A Letter To DES's Attorney (Brian Zollinger Of Smith Driscoll & Associates) In Regards To A Debtors Exam Scheduled In The Case⁴⁹**
- **The Letter Provided Details Of Alta's Financial Situations In Hopes Of Avoiding The Exam; Noting That Gollihugh's Sole Sources Of Income Were Veterans And Social Security Benefits⁵⁰**

**EDITOR'S NOTE: It is unclear if the exam was still conducted.*

⁴⁷ Complaint, DES v. Gollihugh, Case No. CV-12-2133, Bannock County District Court, Filed May 18, 2012

⁴⁸ Default Judgment, DES v. Gollihugh, Case No. CV-12-2133, Bannock County District Court, Filed Sept. 28, 2012

⁴⁹ Angela Jensen Letter to Bryan Zollinger re: Diversified Equity Systems v. Alta Gollihugh, Feb. 8, 2013

⁵⁰ Angela Jensen Letter to Bryan Zollinger re: Diversified Equity Systems v. Alta Gollihugh, Feb. 8, 2013

Medical Recovery Services v. Mendez

- **Medical Recovery Services Sued Alan Mendez Over An Unpaid Debt To Intermountain Emergency Physicians, & Greenwald Neurological Surgery⁵¹**
- **Accounting Documents From Dr. Brent Greenwald & Intermountain Emergency Physicians Do Not Describe Mendez's Injuries, However Some Of The Treatments Provided To Mendez Include: "Crit Care/1st Hour," "Apply/Rem Cran Halo," "FU Diskectomy/Cervi," "Autograft For Spine Su," And "Emergency Evaluation & Management Services."⁵²**
- **Mendez Failed To Respond To The Summons, And MRS Was Awarded Default Judgment Including \$2,680 In Attorney Fees, Less Than A Quarter Of Its Original Request⁵³**

⁵¹ Complaint, MRS v. Mendez, Case No. CV-12-2433, Bingham County District Court, Filed Nov. 19, 2012

⁵² Alan Mendez Transaction History, Dr. Brent Greenwald, Feb. 25, 2013

⁵³ Default Judgment, MRS v. Mendez, Case No. CV-12-2433, Bingham County District Court, Filed March 25, 2013

Medical Recovery Services v. Gordon

- **Medical Recovery Services Sued Sandra & Ray Gordon Over An Unpaid Debt To Mountain View Hospital After Two Surgeries To Treat Carpal Tunnel Syndrome^{54, 55}**
- **Sandra Gordon Wrote A Letter In Response, Arguing That The Hospital Failed To Provide Her With Statements Reflecting The Money Due On Her Account, And That When She Inquired About The Status Of Her Account, A Hospital Employee Told Her To Wait A Few Days To See If Her Insurance Reimbursement Would Go Through⁵⁶**
- **Gordon Also Noted That The Lawsuit Was Filed After She Missed One Payment To MRS While Recuperating From Hip-Replacement Surgery⁵⁷**
- **MRS Was Awarded Summary Judgment, Including \$375 In Attorney Fees⁵⁸**
- **After The Judgment, MRS Notified Sandra Gordon That They Were Going To Garnish Her Husband's Wages⁵⁹**
- **Gordon Immediately Sent A Check For The Full Amount Due To MRS, Which The Company Cashed On July 30, 2013⁶⁰**
- **Despite Receiving Gordon's Payment, MRS Proceeded With The Garnishment, Deducting Money From Two Of Gordon's Paychecks In September 2013, For Nearly \$60 More Than The Amount Of The Judgment⁶¹**
- **MRS Issued A Refund To Gordon, But For \$120.35 Less Than The Amount Of The Garnishment⁶²**

**EDITOR'S NOTE: MRS stated the difference between the garnishment and the refund was to cover the costs of the garnishment.*

⁵⁴ Complaint, MRS v. Gordon, Case No. CV-13-381, Bonneville County Magistrate Court, Filed Jan. 22, 2013

⁵⁵ Answer to the Complaint, MRS v. Gordon, Case No. CV-13-381, Bonneville County Magistrate Court, Filed March 5, 2013

⁵⁶ Answer to the Complaint, MRS v. Gordon, Case No. CV-13-381, Bonneville County Magistrate Court, Filed March 5, 2013

⁵⁷ Answer to the Complaint, MRS v. Gordon, Case No. CV-13-381, Bonneville County Magistrate Court, Filed March 5, 2013

⁵⁸ Judgment, MRS v. Gordon, Case No. CV-13-381, Bonneville County Magistrate Court, Filed July 8, 2013

⁵⁹ Sandra Gordon Letter to Brian Zollinger, Oct. 8, 2013

⁶⁰ Sandra Gordon Letter to Brian Zollinger, Oct. 8, 2013

⁶¹ Sandra Gordon Letter to Brian Zollinger, Oct. 8, 2013

⁶² Sandra Gordon Letter to Brian Zollinger, Oct. 8, 2013

Medical Recovery Services v. Twitchell

- **Medical Recovery Services Sued Vivian Twitchell Over An Unpaid Debt To Ammon Medical & Urgent Care⁶³**
- **Twitchell Responded, Admitting That She Owed The Money, However She Had Been Making Regular Monthly Payment On The Debt Until She Was Forced To Take Time Off Work To Have Her Gallbladder Removed⁶⁴**
- **Twitchell Stated That She Called MRS To Notify Them That She Would Be Unable To Make Payments While She Was Recovering From Her Surgery, And That An MRS Employee Told Her That Would Be Fine And To Notify Them When She Returned To Work⁶⁵**
- **Twitchell Then Stated That Without Any Further Notice, MRS Filed Suit Against Her Two Days Before She Returned To Work⁶⁶**
- **In A Motion For Summary Judgment, MRS Disputed Twitchell's Account, Arguing That She Instead Told The Employee She Would Be Able To Make Payments Of \$10-\$20 Per Month While Recovering⁶⁷**
- **Two Days After The Suit Was Filed, Twitchell And A Friend Went To MRS's Attorney's Office, Offering To Pay The Entire Balance On Her Account, However The Attorney Informed Her That It Would Not Be Sufficient Unless She Also Paid Attorney Fees And Costs⁶⁸**
- **A Friend Of Twitchell's, Brian Nielsen, Signed An Affidavit That He Was Present For The Call When Twitchell Informed MRS Of Her Surgery, And That Her Heard Her Tell The Employee That She Would Not Be Able To Make Payments⁶⁹**
- **The Court Granted Summary Judgment To MRS, Awarding \$300 In Attorney Fees, Since Twitchell Had Already Paid The \$765 Principal⁷⁰**

⁶³ Complaint, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed Feb. 12, 2013

⁶⁴ Answer, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed Feb. 28, 2013

⁶⁵ Answer, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed Feb. 28, 2013

⁶⁶ Answer, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed Feb. 28, 2013

⁶⁷ Affidavit in Support of Motion for Summary Judgment, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed April 8, 2013

⁶⁸ Vivian Twitchell Affidavit in Opposition to Motion for Summary Judgment, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed April 26, 2013

⁶⁹ Brian Nielsen Affidavit in Opposition to Motion for Summary Judgment, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed April 26, 2013

⁷⁰ Order on Summary Judgment, MRS v. Twitchell, Case No. CV-13-791, Bonneville County Magistrate Court, Filed June 25, 2013

Diversified Equity Systems v. Colton

- **Diversified Equity Systems Sued Travis Colton Over An Unpaid Debt To Payday Lender CashCall⁷¹**
- **At The Time DES Filed Its Complaint, The 96 Percent Interest Rate Charged By CashCall Led To \$10,531.73 In Interest On The Initial \$2,600 Principal^{72, 73}**
- **Colton Did Not Reply To The Summons, Resulting DES Being Awarded Default Judgment, Including \$2,596.10 In Attorney Fees Of The \$4,596.10 It Requested⁷⁴**
- **In Awarding The Reduced Attorney Fees, The Presiding Judge Found The Requested Fees To Be “Excessive In Light Of Work Performed”⁷⁵**
- **The Court Minutes Of A September 5, 2013 Debtor’s Exam Of Travis Colton By DES Show Presiding Judge Bradly S. Ford “Expressed Concerns Regarding The Rates That Were Being Charged In This Matter”⁷⁶**

⁷¹ Complaint, DES v. Colton, Case No. CV-12-11918, Canyon County Magistrate Court, Filed Dec. 10, 2012

⁷² Complaint, DES v. Colton, Case No. CV-12-11918, Canyon County Magistrate Court, Filed Dec. 10, 2012

⁷³ Schedule of Payments to Diversified Equity Systems, DES v. Colton, Case No. CV-12-11918, Canyon County Magistrate Court, March 11, 2013

⁷⁴ Default Judgment, DES v. Colton, Case No. CV-12-11918, Canyon County Magistrate Court, Filed April 3, 2013

⁷⁵ Default Judgment, DES v. Colton, Case No. CV-12-11918, Canyon County Magistrate Court, Filed April 3, 2013

⁷⁶ Court Minutes, DES v. Colton, Case No. CV-12-11918, Canyon County Magistrate Court, Sept. 5, 2013

Diversified Equity Systems v. Riggs

- **In May 2012 Diversified Equity Systems Sued Jack Riggs Over An Unpaid Debt To Payday Lender CashCall⁷⁷**
- **Initially DES Requested \$4,744.59 In Interest On The \$2,523.72 Principal, And \$2,543.90 In Attorney Fees⁷⁸**
- **In November 2012 DES Moved To Increase The Interest Due To \$11,054.28 To Reflect **99.24 Percent Interest** On The Loan From When It Originated In June 2008⁷⁹**
- **The Interest Continued To Accrue At The Same Rate After DES Assumed The Debt And Filed Suit⁸⁰**
- **At The Same Time, DES Also Petitioned The Court To Award \$4,525.99 In Attorney Fees⁸¹**
- **The Court Granted Both Motions, And Awarded Summary Judgment To DES⁸²**

⁷⁷ Complaint, DES v. Riggs, Case No. CV-12-4865, Canyon County Magistrate Court, Filed May 21, 2012

⁷⁸ Complaint, DES v. Riggs, Case No. CV-12-4865, Canyon County Magistrate Court, Filed May 21, 2012

⁷⁹ Motion for Award of Prejudgment Interest, DES v. Riggs, Case No. CV-12-4865, Canyon County Magistrate Court, Filed Nov. 1, 2012

⁸⁰ Motion for Award of Prejudgment Interest, DES v. Riggs, Case No. CV-12-4865, Canyon County Magistrate Court, Filed Nov. 1, 2012

⁸¹ Affidavit of Bryan N. Zollinger in Support of Motion for Award of Attorney's Fees & Costs, DES v. Riggs, Case No. CV-12-4865, Canyon County Magistrate Court, Filed Nov. 1, 2012

⁸² Judgment,

⁸² Affidavit of Bryan N. Zollinger in Support of Motion for Award of Attorney's Fees & Costs, DES v. Riggs, Case No. CV-12-4865, Canyon County Magistrate Court, Filed Nov. 23, 2012

Medical Recovery Services v. Radford

- **Medical Recovery Services Sued Dellas & Ladawn Radford Over An Unpaid Debt To Community Care, Mountain View Hospital, Rosemark Womenscare Specialists & Credit Bureau Of Eastern Idaho⁸³**
- **Page Did Not Reply To The Summons, Resulting In MRS Being Awarded Default Judgment In August 2007, Including \$1,500 In Attorney Fees, Less Than A Tenth Of The \$17,647.53 It Requested⁸⁴**
- **In December 2009, Interest Assessed On The Debt Since The Judgment Amounted To \$12,569.36, Bringing The Total Amount Due To \$61,763.47 After Accounting For \$3,517.40 In Payments Made By The Couple⁸⁵**

⁸³ Complaint, MRS v. Radford, Case No. CV-07-453, Jefferson County District Court, Filed June 5, 2007

⁸⁴ Default Judgment, MRS v. Radford, Case No. CV-07-453, Jefferson County District Court, Filed Aug. 3, 2007

⁸⁵ Writ of Execution & Order for Continuing Garnishment, MRS v. Radford, Case No. CV-07-453, Jefferson County District Court, Filed Dec. 31, 2009

Murphy v. Medical Recovery Services

- **In 2013 Rosamond Murphy Sued Medical Recovery Services⁸⁶**
- **Murphy Alleged MRS Breached A Settlement Agreement It Had Previously Reached With Murphy And Violated The Fair Debt Collection Practices Act By Negligently Or Willfully Attempting To Collect A Debt That Had Been Previously Settled**

- **“CAUSE OF ACTION I**

“(Breach of Contract)

“13. Plaintiff re-alleges and incorporates the preceding paragraphs, as if set forth fully herein.

“14. Plaintiff fulfilled her part of the settlement agreement with Defendant timely making payment of the offered settlement amount of \$219.00.

“15. Defendant breached its settlement agreement with Plaintiff when it accepted and negotiated Plaintiff’s settlement payment and then subsequently sent a demand letter to Plaintiff alleging amounts due on the settled account with knowledge that the account had been previously settled.

“16. Therefore, as a result of Defendant’s breach of its settlement agreement with Plaintiff, Plaintiff is entitled to damages in an amount to be proven at trial.

“CAUSE OF ACTION II

“(Fair Debt Collection Practices Act)

“17. Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

“18. Defendant is at all times herein mentioned a debt collector by its own admission and representation.

“19. Defendant collects payments from the debts it services, including that debt it serviced which is the subject of this case.

“20. The debt, which is the subject of this case, was incurred by Plaintiff: who, is an Idaho resident.

⁸⁶ Complaint, Murphy v. MRS, Case No. CV-13-135, Bonneville County District Court, Filed Jan. 9, 2013

“21. By negligently or willfully attempting to collect on a debt it knew or had reason to know had previously been settled, Defendant engaged in conduct the natural consequence of which resulted in Plaintiff to be harassed and abused by Defendant in connection with the Protection Act;”⁸⁷

- **MRS Offered To Allow Judgment In Favor Of Murphy, Including Attorney Fees, Totaling \$400, Plus A Credit Of \$211.24 On Another Account Of Murphy’s Owned By MRS, For A Total Offer Of \$611.24**
 - “COMES NOW Defendant, Medical Recovery Services, LLC, by and through its attorney of record Bryan N. Zollinger, Esq. of Smith, Driscoll & Associates, PLLC, and pursuant to Rule 68 of the I.R.C.P., hereby offers to allow Judgment, including Plaintiffs cost and attorney's fees incurred to date, to be taken against said Defendants upon Plaintiff's Complaint for the sum of FOUR HUNDRED DOLLARS & 00/CENTS (\$400.00). This offer reflects a credit of \$211.24 for another account which defendant owns and thus, the total offer should be considered \$611.24.”⁸⁸
- **A Notice Of Proposed Dismissal Was Filed In The Case On January 31, 2014**⁸⁹

⁸⁷ Complaint, Murphy v. MRS, Case No. CV-13-135, Bonneville County District Court, Filed Jan. 9, 2013

⁸⁸ Offer of Judgment, Murphy v. MRS, Case No. CV-13-135, Bonneville County District Court, Filed July 26, 2013

⁸⁹ Docket, Murphy v. MRS, Case No. CV-13-135, Bonneville County District Court, Idaho State Repository Website, As Of Feb. 11, 2014

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BUSTER J. DRISCOLL, born Pingree, Idaho, December 2, 1977; admitted to bar, 2004, Idaho. *Education:* Brigham Young University (B.A., magna cum laude, 2001; J.D., 2004). *Member:* Moot Court and Trial Advocacy Team, 2002-2004; Board of Directors, Moot Court, 2003-2004. Order of Barristers. *Member:* Idaho State Bar. *LANGUAGES:* Portuguese. *PRACTICE AREAS:* Civil Litigation; Insurance Law; Municipal Law.

REPRESENTATIVE CLIENTS: Fireman's Fund Insurance Company; Wells Fargo Bank; Bonneville Blueprint Supply; Broadway Ford, Inc.; Farmland Insurance; U.S.A.I.G.; Regence Blue Shield of Idaho; Phoenix of Idaho, Inc.; BECO Construction, Inc.; Universal Underwriters Insurance Co.; SGI Insurance; City of Shelley; Medical Recovery Services, LLC.

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CHARLES L. A. COX, (BV), born Camp Polk, Louisiana, October 3, 1952; admitted to bar, 1981, Idaho; 1989, U.S. Court of Appeals, Ninth Circuit; 1993, U.S. Court of Federal Claims. *Education:* University of Kent at Canterbury, England; Western State College (B.A., 1975); University of Iowa (J.D., 1981). Phi Alpha Delta. Managing Editor, The Journal of Corporation Law, 1980-1981. *Member:* First Judicial District and American Bar Associations; Idaho State Bar. *PRACTICE AREAS:* General Litigation and Appellate; Corporate Law; Environmental Law.

REPRESENTATIVE CLIENTS: Beamis Oil Co.; City of Kellogg; City of Wardner; Coeur d'Alene Mines Corp.; Hecla Mining Co.; Kellogg School District No. 391; Shoshone County; Sidney Resources Corporation; S.V.L. Analytical, Inc.; U.S. Bank; West Shoshone Hospital District No. 1; Silver Mountain Corp.; Eagle Crest.

(For complete biographical data on all personnel, See Professional Biographies at Boise, Idaho)

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OF COUNSEL

G.R. KNEELAND, (AV), born Shelton, Washington, May 28, 1918; admitted to bar, 1949, Washington; 1950, Idaho. *Education:* Central Washington College (B.S., 1940); University of Washington (LL.B., 1949). Delta Theta Phi. Prosecuting Attorney, Blaine County, Idaho, 1952-1954. *Member:* Idaho State Bar; Washington State Bar Association.

REPRESENTATIVE CLIENTS: Sun Valley Title Co.; Lodge II Condominium Association; Villager Condominium Association.

REFERENCE: First Bank of Idaho.

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(This Listing Continued)

QUANE SMITH LLP, Idaho Falls—Continued

sician Licensing, Products Liability Defense, Professional Liability Defense, Real Estate, Subrogation, Toxic Torts Defense, Transportation Defense, Workers Compensation Defense.

FIRM PROFILE: Quane Smith LLP has the highest Peer Review Rating possible by Martindale-Hubbell, and is a member of the Bar Register of Preeminent Lawyers.

A regional law firm headquartered in Boise, Idaho with additional offices located in Coeur d'Alene, Idaho and Idaho Falls, Idaho. The Idaho Falls office represents clients in eastern Idaho and western Wyoming. The firm's major focus is in the representation of insurance companies and their policyholders, governmental entities and self-insured corporations. The firm emphasizes all aspects of civil litigation, alternative dispute resolution and risk management.

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