

IN THE SUPREME COURT OF FLORIDA

CYNTHIA L. JACKSON and  
THOMAS JACKSON,

Appellants/Petitioners,

vs.

Sup. Ct. Case No.: SC18-357

HOUSEHOLD FINANCE CORP III;  
HOUSEHOLD FINANCE CORPORATION III;  
THE DRAIN TEAM, INC.; NORTH STAR  
CAPITAL ACQUISITION LLC AS ASSIGNEE  
OF WELLS FARGO; and CAPITAL ONE  
BANK (USA) NA., A CORPORATION,

Appellees/Respondents.

**PETITIONERS' RESPONSE IN OPPOSITION TO THE AMERICAN  
LEGAL AND FINANCIAL NETWORK'S MOTION FOR LEAVE TO FILE  
AMICUS BIEF IN SUPPORT OF RESPONDENT**

COME NOW the Petitioners, Cynthia L. Jackson and Thomas Jackson, by and through their undersigned counsel and pursuant to Fla. R. App. P. 9.300 and 9.370, and file this their Response in Opposition to The American Legal and Financial Network's Motion for Leave to File Amicus Brief in Support of Respondent and in support thereof do state:

1. On August 28, 2018, the American Legal and Financial Network ("ALFN") filed its Motion seeking leave to file an amicus brief in support of Respondent Household Finance Corp. III.

2. The ALFN states that the particular issue it seeks to address is "the

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potential consequences to its members should this Court affirm or reverse *Jackson*” and that it will do so by “highlighting the differing impacts of *Maslak* and *Jackson* on the financial industry”.

3. The Petitioners respectfully submit that the ALFN is no better positioned to “highlight the differing impacts of *Maslak* and *Jackson* on the financial industry” than Household who is a part of that financial industry.

4. The Petitioners respectfully submit that due to the ALFN and Household’s shared positions, knowledge, and experience, the ALFN’s brief will consist of nothing more than “me too” argument.

5. The ALFN describes itself as “a national network of legal and residential mortgage banking professionals.

6. Household is a residential mortgage banking company.

7. The ALFN states that it is represented by four Florida law firms each of which has extensive experience representing creditors in residential mortgage foreclosure actions.

8. Household is represented by counsel from the Aldridge Pite law firm, a self-described “multi state law firm” that is “a full-service provider of legal services to depository and non-depository financial institutions including banks, credit unions, mortgage servicing concerns, institutional investors, private firms, and other commercial clients”. See <http://www.aldridgepite.com/>. Aldridge Pite further

describes itself as having an “‘AV’ Martindale Hubbell rating, with its lawyers having extensive experience across all areas of the financial services sector.” *Id.*

9. Indeed, a review of the ALFN’s membership directory reflects that several of the Aldridge Pite law firm’s offices are members of the ALFN. Thus, it would appear that Aldridge Pite would have access to the same statistics, industry information, or data on which the ALFN intend to rely to supplement this Court’s knowledge of the issue.

10. The ALFN argues that it is positioned to give this Court a “ground level” account of the issue related to the business records exception.

11. Household is a part of the make-up of that “ground level”. It can offer a first-hand account of the issues.

12. Finally, the ALFN argues that it can “speak to the significant ramifications that a reversal will have on its constituents and the state of Florida, as well as its effect on lending and loan servicing practices in this State going forward.”

13. Household is one of the ALFN’s constituents and it is represented by a law firm that represents a variety of institutions and professionals in the lending and loan servicing industry. Household and its counsel are equally capable for speaking to the effects a reversal may have.

14. As former Justice Charles T. Wells once lamented in an interview, “most” amicus briefs fall into the category of being “just an echo” of a party’s brief.

Sylvia H. Walbolt and Joseph H. Lang, Jr., *Amicus Briefs: Friend or Foe of Florida Courts?*, 32 Stetson L. Rv. 269, 277 (2003). Given the clear alignment and intersection between the ALFN and Household, it is difficult to discern how the ALFN's brief will be more than "just an echo" of Household's brief. Accordingly, the Petitioners respectfully submit that this Honorable Court should not permit the ALFN to file an amicus brief in this matter.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the 30th day of August, 2018, I electronically filed with the Clerk of the Court through Florida Court's E-filing Portal ([www.myflcourtaccess.com](http://www.myflcourtaccess.com)) by using the E-Service Option, which will send a Notice of Electronic Filing, in compliance with the Florida Rules of Judicial Administration Rule 2.516 to the following:

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