

Nos. 26-1037, 26-1039, 26-1054

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Joyce Johnson,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

Benjamin Prigge,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

Kimberly Heins,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

On Appeal from the United States District Court for the District of Minnesota
Nos. 24-cv-2602, 24-cv-3328, 24-cv-4105 (KMM/EMB)

BRIEF OF AMICI CURIAE OF NATIONAL HOUSING LAW PROJECT,
HOUSING JUSTICE CENTER, AND HOME LINE IN SUPPORT OF
APPELLANTS FOR REVERSAL

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, all of the amici curiae are nonprofit corporations, none of which have parent companies, subsidiaries, or affiliates that have issued shares to the public.

/s/ Lawrence R. McDonough

Lawrence R. McDonough

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ALL PARTIES HAVE CONSENTED TO THE FILING OF THIS BRIEF

Under Fed. R. App. P. 29(a)(2), all parties have consented to the filing of this brief.

IDENTITY AND INTERESTS OF AMICI CURIAE

The amici curiae are public interest organizations that advocate for and assist disadvantaged tenants in Minnesota and across the country adversely impacted by evictions and homelessness.

The National Housing Law Project is a nonprofit organization that advances housing justice for poor people and communities, predominantly through technical assistance and training to legal aid attorneys, policy advocacy, and co-counseling on key litigation. Website: <https://www.nhlp.org/>.

HOME Line is a statewide, nonprofit organization that provides free legal advice to residential tenants on all landlord-tenant issues regardless of income and works to improve public and private policies relating to rental housing. Website: <https://homelinemn.org/>.

Housing Justice Center is a nonprofit public interest and legal organization whose primary mission is to preserve and expand the supply of affordable housing for low-income individuals and families in Minnesota. Website: <https://www.hjcmn.org/>.

ARGUMENT

While Minnesota is in the midst of a debt collection litigation crisis, tenants facing debt collection in eviction actions in Minnesota have even less due process protections than defendants in conventional civil litigation, often forcing them to pay money they don't agree they owe. Debt collection through evictions have a much more devastating effect on tenants than collection through conventional litigation on other debtors. Appellee is an eviction mill law firm, filing hundreds of evictions each month with little time to verify the facts of each case. The district court interpreted the Fair Debt Collection Practices Act (FDCPA) to allow Appellee to continue its activities without accountability under the FDCPA. Because of the dire consequences for tenants, this Court should hold Appellee to the Highest Standards under the FDCPA. *See* Opening Brief of Appellants.

I. Minnesota Is in the Midst of a Debt Collection Litigation Crisis.

A. The 2023 Minnesota Consumer Debt Litigation Report.

In 2023, the Minnesota State Bar Association Access to Justice Committee published an analysis of consumer debt litigation in Minnesota, titled Minnesota Consumer Debt Litigation - A Statewide Access to Justice Report (hereinafter "Minnesota Consumer Debt Litigation Report").

https://cdn.ymaws.com/www.nabenet.org/resource/cform/3929887/20240722_113

[324_23622.pdf](#). The report detailed how current practices and policies relating to debt collection through the courts impact consumers, including disproportionate impact on communities of color, and outlined ways civil courts can better serve Minnesotans.

The research was based on review of the Minnesota Judicial Branch's Civil Judgments Extract, a customized version of the comprehensive dataset containing case-level information on civil judgments filed in Minnesota from 2011 to 2021 provided by the Minnesota Judicial Branch. Additional data came from the 2015-2019 American Community Survey, anonymized intake data from Minnesota Legal Aid organizations, and the Consumer Financial Protection Bureau's Consumer Complaint Database to analyze trends and patterns in complaints related to debt lawsuits. Minnesota Consumer Debt Litigation Report at 47-49.

The report contained several key findings:

The overwhelming majority of debt cases in Minnesota—82% of district court cases and 54% of conciliation court cases—end in default judgment in favor of the plaintiff.

Minnesota has fewer residents in debt than in most places in the U.S., but more litigious plaintiffs, with 1 in 8 debts in collections eventually filed as civil court cases...

Roughly 82% of consumer debt cases in Minnesota district court end in default (compared to 54% in conciliation court), higher than in most states and above national numbers...

Overall, the rate of debt claims filed against Black and Latino Minnesotans is more than twice that of Non-Hispanic White Minnesotans.

The filing rate against consumers in neighborhoods where the median household income is \$50,000 or less per year is 50% higher than against those in neighborhoods where the median household income is over \$75,000 per year...

Most Minnesotans facing debt litigation represent themselves. They often don't make enough money to hire a private attorney but make too much to qualify for legal aid.

Id. at 3-4.

B. Minnesota Supreme Court Consumer Debt Litigation Working Group.

In response to the Minnesota Consumer Debt Litigation Report, on February 25, 2026, the Minnesota Supreme Court created the Consumer Debt Litigation Working Group to study the recommendations in the report and other reforms being considered or implemented in Minnesota and nationally to improve court systems and processes related to the resolution of debt collection disputes. Order Establishing Consumer Debt Litigation Working Group, No. ADM26-8002, at 1-2 (Minn. Feb. 25, 2026).

The Working Group is directed to prepare and file a report no later than December 15, 2026, providing recommendations on reforms, including potential amendments to the General Rules of Practice for the District Courts and other Minnesota rules, designed to ensure that all parties to consumer debt litigation have access to appropriate information and

resources, to promote fair and just outcomes, and to support resolution of disputes without the need for formal litigation where possible. We are interested in recommendations to make our current system of resolving debt collection matters more user-friendly and accessible by reducing confusion and procedural barriers for litigants—especially self-represented litigants—while ensuring fairness to all parties and improving court-system efficiency.

Id. at 4.

II. Tenants Facing Debt Collection in Eviction Actions in Minnesota Have less Due Process Protections than Defendants in Conventional Civil Litigation.

A. Debt Collection in Civil Litigation.

A civil action is commenced in Minnesota with service of the summons and complaint. Minn. R. Civ. P. 3. The defendant shall serve an answer within 21 days after service of the summons. Minn. R. Civ. P. 12.01. The action needs to be filed with the court within one year after service of the summons and complaint on the defendant. Minn. R. Civ. P. 5.04. The court shall enter its scheduling order within 90 days after an action has been filed. Minn. Gen. R. Prac. 111.03.

The parties have the right to discovery. Types of discovery include interrogatories with a response deadline of 30 to 45 days under Minn. R. Civ. P. 33, requests for the admissions also with a response deadline of 30 to 45 days under Minn. R. Civ. P. 36, requests for production of documents with a response deadline of 30 days under Minn. R. Civ. P. 34, and depositions under Minn. R.

Civ. P. 28-32. Parties may move to compel discovery under Minn. R. Civ. P. 37.

Motion practice can include motions for dismissal and judgment on the pleadings under Minn. R. Civ. P. 12, to compel discovery under Minn. R. Civ. P. 37, for summary judgment under Minn. R. Civ. P. 56, for new trial under Minn. R. Civ. P. 59, as well as evidentiary motions under Minnesota Rules of Evidence. The timeline for nondispositive motions include filing at least 21 days before the hearing, with the response due at least 14 days before the hearing and the reply at least 7 days before the hearing. The timeline for dispositive motions include filing at least 28 days before the hearing, with the response due at least 14 days before the hearing and the reply at least 7 days before the hearing. Minn. Gen. R. Prac. 115.

Various law firms have estimated trials occurring many months after filing the action. Perron Law Office, *How long does a civil lawsuit take in Minnesota?* (Feb. 24, 2025),

<https://www.perronlawoffice.com/how-long-does-a-civil-lawsuit-take-in-minnesot> (last visited April 3, 2026); Kevin Sandstrom, *The Three Phases of a Civil Lawsuit in Minnesota and Wisconsin* (Dec. 4, 2023),

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Enforcement of a money judgment begins with docketing the judgment by filing an Affidavit of Identification of Judgment Debtor. The creditor can file a Request for Order for Disclosure of the debtor's bank account. If the judgment debtor does not return the Financial Disclosure form within sixteen days of the date it was mailed by court administration, the creditor can file an Affidavit in Support of Order to Show Cause. For garnishment of wages, the creditor must complete the Execution Exemption Notice and Notice of Intent to Levy on Earnings. For services of a Writ of Execution can be served by the sheriff's office, the judgment debtor must be given at least 10-days of notice, if the form is hand-delivered, or 13-days of notice, if mailed. Minnesota Judicial Branch, *Collecting a Judgment*,

<https://mncourts.gov/help-topics/judgments/collecting-a-judgment> (last visited April 3, 2026). *See generally* Minn. Stat. Chs. 550 (Executions, Redemption, Exemptions), 571 (Garnishment).

B. Debt Collection in Eviction Actions.

Eviction actions for rent in Minnesota are a form of debt collection. Minn. Stat. § 504B.291, Subd. 1(a) provides: “A landlord may bring an eviction action for nonpayment of rent irrespective of whether the lease contains a right of reentry clause. Such an eviction action is equivalent to a demand for the rent.” The tenant may avoid eviction and “redeem the tenancy and be restored to possession by paying to the landlord or bringing to court the amount of the rent that is in arrears, with interest, costs of the action, and an attorney's fee not to exceed \$5, and by performing any other covenants of the lease.” Minn. Stat. § 504B.291.

In contrast to debt collection through conventional civil litigation, eviction actions move quickly through the courts with less due process protections for the tenant. An eviction action is commenced by filing a complaint. Minn. Stat. § 504B.321, Subd. 1(a). The hearing is scheduled within 7 to 14 days from the day of issuing the summons. *Id.*, Subd. 1(c). The tenant may answer the complaint at the hearing. Minn. Stat. § 504B.335.

An eviction action has a limited scope. Formerly called an unlawful detainer

action, the action is generally summary in nature and determines only present possessory rights. *Lilyerd v. Carlson*, 499 N.W.2d 803, 812 (Minn. 1993); *University Community Properties, Inc. v. Norton*, 246 N.W.2d 858, 860 (Minn. 1976); *Berg v. Wiley*, 226 N.W.2d 904, 906-907 (Minn. 1975); *Goldberg v. Fields*, 76 N.W.2d 668, 669 (Minn. 1956); *Keller v. Henvit*, 18 N.W.2d 544, 547 (Minn. 1945). “The plaintiff must plead and prove facts which show the defendant is in unlawful possession of property. Generally the only issue for trial is whether the facts alleged in the complaint are true.” *Cloverdale Foods of Minnesota, Inc. v. Pioneer Snacks*, 580 N.W.2d 46, 49 (Minn. Ct. App. 1998), quoting *Mac-Du Properties v. LaBresh*, 392 N.W.2d 315, 317 (Minn. Ct. App. 1986); *Minneapolis Community Development Agency v. Smallwood*, 379 N.W.2d 554, 555 (Minn. Ct. App. 1985).

Eviction actions are excluded from the uniform system for scheduling matters for disposition and trial in civil cases. Minn. Gen. R. Prac. 111.01. “When scheduling a trial date, the court must select a date that allows for a fair, thorough, and timely adjudication of the merits of the case, including the complexity of the matter, the need for the parties to obtain discovery, the need for the parties to ensure the presence of witnesses, the opportunity for the defendant to seek legal counsel and raise affirmative defenses, and any extenuating factors...” Minn. Stat.

§ 504B.335(a).

The Minnesota General Rules of Practice contains Title VII, titled Housing Court Rules-Hennepin and Ramsey Counties. As stated in the title, it applies only to Hennepin and Ramsey Counties. Minn. Gen. R. Prac. 601. The hearing is governed by Minn. Gen. R. Prac. 607: “At the first call of the calendar the parties shall specify whether the case is a default or for trial, and if for trial, whether by court or jury. When each case is called for hearing, the defendant shall be asked whether the defendant admits or denies the charges in the complaint. If a jury trial is demanded, the jury fee must be paid before the jury is impaneled.”

Motions are governed by Minn. Gen. R. Prac. 610.

Any motion otherwise allowed by Minnesota Rules of Civil Procedure may be made by any party orally or in writing at any time including the day of trial. Whenever possible, oral or written notice of any dispositive motions and the grounds therefore shall be provided by the moving party to all parties before the hearing.

All motions shall be heard by the court as soon as practicable. The court may grant a request by any party for time to prepare a response to any motion for good cause shown by the requesting party or by agreement of the parties.

The requirements of service of notice of motions and any time periods set forth in Minnesota Rules of Civil Procedure and Minnesota General Rules of Practice 115 do not apply.

Id. (emphasis added). Eviction action motion practice is limited compared with

conventional civil litigation. *See* discussion, *supra*, II.A. at 6.

Minn. Gen. R. Prac. 612 governs discovery: “Because of the summary nature of proceedings in Housing Court, the parties shall cooperate with reasonable informal discovery requests by another party. Upon the request of any party to a matter scheduled for trial, the presiding referee or judge may issue an order for an expedited discovery schedule.” In other words, *discovery must be informal and reasonable*. Similar to motion practice, eviction action discovery is limited compared with conventional civil litigation. *See* discussion, *supra*, II.A. at 5-6.

As noted above, to avoid eviction in a debt collection eviction action,

the tenant may ... redeem the tenancy and be restored to possession by paying to the landlord or bringing to court the amount of the rent that is in arrears, with interest, costs of the action, and an attorney's fee not to exceed \$5, and by performing any other covenants of the lease. Redemption may be made with a written guarantee from (1) a federal agency, state agency, or local unit of government, or (2) any other organization that qualifies for tax-exempt status under United States Code, title 26, section 501(c)(3), and that administers a government rental assistance program, has sufficient funds available, and guarantees funds will be provided to the landlord.

Minn. Stat. § 504B.291; *614 Co. v. D. H. Overmayer*, 211 N.W.2d 891, 893-94 (1973); *Paul McCusker & Associates, Inc. v. Omodt*, 359 N.W.2d 747, 749 (Minn. Ct. App. 1985). If the tenant does not redeem the tenancy, the landlord can evict the tenant by obtaining and enforcing the writ of recovery, which authorizes

removal of the tenant within 24 hours. under Minn. Stat. § 504B.365, much faster than the process for enforcing judgments in conventional civil litigation. *See* discussion, *supra*, II.A. at 7-8.

Minnesota eviction actions move much faster than conventional civil litigation. A review of eviction actions in Minneapolis in 2015 found that 74% of eviction action cases were closed within 14 days of filing, with greater than 90% of cases closed within 30 days, 97% within 60 days, and 99% within 120 days.

Minneapolis Innovation Team, *Evictions in Minneapolis*, at 2, 19, 21 (July 2016),

<https://www.housinglink.org/docs/default-source/mainlibrary/evictionsinminneapolis2016.pdf>; Center for Urban and Regional Affairs, *The Illusion of Choice: Evictions and Profit in North Minneapolis*, at 13 (2020),

<https://evictions.cura.umn.edu/sites/evictions.cura.umn.edu/files/2023-04/Illusion-of-Choice-full-report-web-v2.pdf>. *See also* Frederick Melo, *St. Paul mayor won't sign 60-day eviction notice*, St. Paul Pioneer Press at A2 (Mar. 31, 2026),

<https://www.twincities.com/2026/03/30/st-paul-mayor-kaohly-her-like-frey-wont-sign-60-day-eviction-notice/>; Dougherty, Molenda, Solfest, Hills & Bauer P.A.,

Minnesota Evictions, Plain and Simple, Sort of . . .,

<https://www.dms hb.com/insights/minnesota-evictions-plain-and-simple-sort-of>

(last visited April 3, 2026) (“In general, an eviction from start to finish takes fewer

than 30 days in Minnesota, but some cases do take longer.”).

While the Minneapolis reports do not state the average time for eviction action hearings, there is anecdotal information. In David Werblow and Paul Birnberg, *Due Process Denied: Handling of Hennepin County Eviction Cases at the Brookdale, Ridgedale and Southdale Courts* (Jan. 7, 2000), the authors recounted a court “issuing a writ in a breach-of-lease case in a four-minute hearing without allowing the tenant to admit or deny that she breached the lease or determining whether the lease provided that the alleged conduct was an evictable offense.” *Id.* at 11, 23,

<https://homelinemn.org/wp-content/uploads/2018/12/Due-Process-Denied-Dale-Report-with-Corrected-Title-Page.5a.pdf> (PDF at 14, 26). Similarly, in Katherine Zerwas and Paul Birnberg, *Due Process Denied: Handling of Eviction Cases at the Anoka and Dakota County Courts* (Jan. 2011), the authors noted:

In an eviction for breach of lease, holdover and non payment, the evidence at the five-minute “trial” was that the tenant had tendered rent but the landlord rejected it. The court entered judgment for the landlord without taking evidence on the other issues. On its face, the notice was improper as to time and timing (notice given on May 20 and case filed May 28) and no evidence was taken as to whether the tenant had or had not breached a no-other-occupants lease clause.

Id. at 28,

<https://homelinemn.org/wp-content/uploads/2018/12/Due-Process-Denied-Anoka->

[Dakota-Full-Draft-11-Corrected-1.pdf](#) (PDF at 31). It is hard to imagine four and five-minute contested hearings in conventional civil litigation.

These reports are consistent with studies elsewhere. In Chicago, eviction hearings often lasted less than two minutes in 2017, Housing Action Illinois & Lawyers' Committee for Better Housing, *Prejudged: The Stigma of Eviction Records*, at 6 (March 2018),

<https://lcbh.org/wp-content/uploads/2022/10/Prejudged-Eviction-Report-2018.pdf>,

up from an average of 1 minute and 44 seconds in 2002. Lawyers' Committee for Better Housing, *No Time for Justice: A Study of Chicago's Eviction Court*, at 4 (Dec. 2003),

<https://lcbh.org/wp-content/uploads/2022/10/2003-lcbh-chicago-eviction-court-study.pdf>.

In Arizona in 2019, hearings lasted around 5 minute. Daniel W. Bernal, *Ashamed, Judged, and Unsafe: a Qualitative Study of Tenant Justice Perceptions to Inform the Redesign of Housing Court*, 52 N.M. L. Rev. 70, 84, 94, 101-102, 113, 116, (Winter 2022). See Grace Vetromile, *Summary Eviction Proceedings as a Debt Collection Tool: How Landlords Use Serial Eviction Filings to Collect Rent*, 89 Brook. L. Rev. 1001 (Spring 2024).

- C. Lack of Protections Result in Residential Tenants Paying More Than They Actually Owe in Evictions Cases and Creates an Incentive for

Landlords to Allege More Than is Owed.

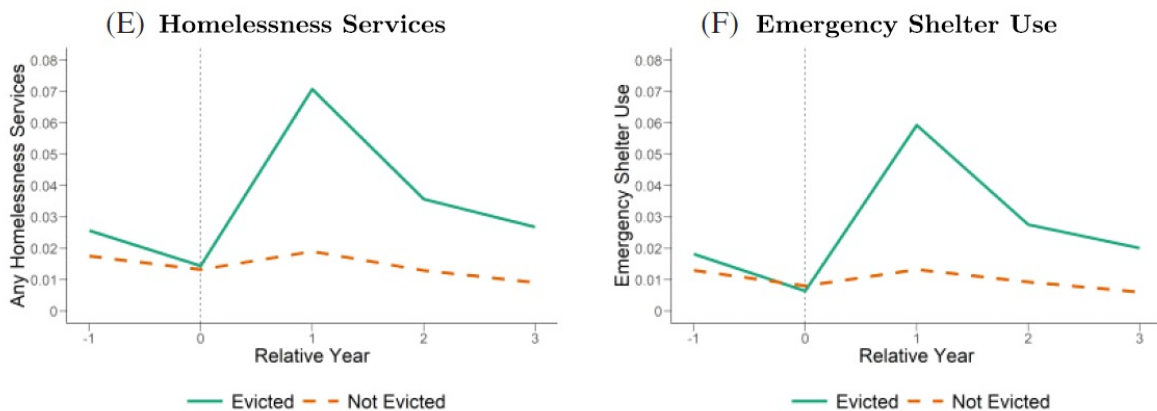
As noted above, a residential tenant who disputes the amount of rent owed has a right to a trial. However, this right is often impractical or impossible to assert. The vast majority of residential tenants are unrepresented. *See* Luke Grundman & Muria Kruger, *Legal Representation in Evictions – Comparative Study* at 6 (2018), <https://www.minnpost.com/wp-content/uploads/2018/11/2018-Eviction-Representation-Results-Study-with-logos.pdf> ("Of the 274 [randomly selected] records, 219 [tenants] did not receive any representation. Twenty-two received full representation and 29 received limited representation."); *Evictions in Minneapolis, supra*, at 12 (finding that tenants were unrepresented in over 98% of a randomly selected sample of 200 Minneapolis eviction cases). Many tenants also rely on government assistance to pay all or a portion of the alleged debt, Minnesota Housing, *Annual Estimation of Emergency Rental Needs for Minnesotans with Low-Incomes* at 2-4 (2025), https://mnhousing.gov/documents/53293/2025-annual-emergency-rental-assistance-estimation_final_rpdf/view, or on making payment plans with the landlord. *Evictions in Minneapolis, supra*, at 7 (finding that when both parties appeared at the hearing, 83% of cases resulted in a settlement). However, going to trial to

dispute a portion of the alleged debt risks the financial assistance or payment plan necessary to pay the amount the tenant actually owes. As a result, many tenants will choose not to dispute the alleged debt. Instead, they will agree to pay the full amount, regardless of whether or not they actually owe it. Landlords who understand these pressures have an incentive to pad the numbers.

III. Evictions Have a Devastating Effect on Tenants.

A. Evictions Cause Immediate and Lasting Barriers to Access Housing.

An eviction order causes immediate displacement, and creates lasting barriers to housing. Once evicted, tenants struggle to find shelter. In a 2024 study focused on housing court records from New York City and Cook County, Illinois, researchers found that in the year following an eviction filing, an eviction order increased the probability that a tenant would stay in emergency shelter by more than 300% and increased the probability that a tenant would use homelessness services by approximately 400%, relative to tenants who were not evicted. Robert Collinson et al., *Eviction and Poverty in American Cities*, 139 Q.J. Econ. 57, 60, 86 (2024). Graphs of the researchers' findings are replicated below.



Id. at 82. The same study estimated that across the two locations—New York City and Cook County—evictions led “to more than 3,600 adults staying in emergency shelter in the year after filing and 2,500 adults using homelessness services the following year.” *Id.* at 103. Critically, these numbers are likely *underestimates* because they only account for tenants listed on the lease, leaving out other household members, such as children. *Id.*

The effects of eviction are felt for years after the initial displacement. Beyond the immediate loss of a home, an eviction can also negatively affect a tenant's ability to secure future housing. It is well-documented that eviction records “can serve as barriers to obtaining housing.” *Hous. & Redevelopment Auth. of Duluth, MN v. Young*, 995 N.W.2d 1, 6-7 (Minn. Ct. App. 2023). Many landlords screen prospective tenants for prior evictions. *See* Family Housing Fund & Housing Justice Center, *Opening the Door: Tenant Screening and Selection* 9

(Mar. 2021),

<https://www.hjcmn.org/wp-content/uploads/2021/04/Tenant-Screening-Report.pdf>

. To screen tenants, landlords increasingly utilize tenant reporting services that maintain databases of eviction records. Nat'l Ctr. on Homelessness & Poverty, *Protect Tenants, Prevent Homelessness* 18, 31 (2018),

<https://homelesslaw.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>. An

“eviction record” notation in a tenant reporting or screening service, “may result in a lower score or recommendation from a tenant screening company and frequently results in a negative determination by the landlord, through an elevated deposit, co-signor requirement, or an outright denial of housing.” Merf Ehman, *Fair Housing Disparate Impact Claims Based on the Use of Criminal and Eviction Records in Tenant Screening Policies* 4 (2015),

<https://www.nhlp.org/wp-content/uploads/Merf-Ehman-FH-DI-Claims-Based-on-Use-of-Criminal-and-Eviction-Records-Sept.-2015.pdf>. “Landlords increasingly

rely on reports from tenant screening companies to automatically weed out anyone with an eviction filing in their past,” regardless of the case outcome. Eric Sirota, *Smokescreen: Unfair Tenant Screening Practices Perpetuate Housing*

Discrimination, Shriver Ctr. on Poverty Law (May 10, 2023),

<https://www.povertylaw.org/article/unfair-tenant-screening-practices/#:~:text=Un>

[der%20%E2%80%9Cthe%20New%20Jim%20Code,a%20cycle.](#)

Moreover, for low-income tenants applying for governmental rental assistance, evictions can hinder access to a crucial financial lifeline. Housing authorities can “count evictions and unpaid debt as strikes when reviewing applications for public housing and rental vouchers,” and thus “people who have the greatest need for housing assistance—the rent burdened and evicted—are systematically denied it.” Matthew Desmond & Monica Bell, *Housing, Poverty, and the Law*, 11 Ann. Rev. L. & Soc. Sci. 15, 26 (2015). See 24 C.F.R. § 982.552(c)(ii) (stating a public housing authority may deny admission or terminate assistance if *any member* of a family has been evicted from federally assisted housing in the last five years).

B. Evictions Undermine Income, Employment, and Long-Term Financial Health.

Evictions have a negative impact on tenants’ income, employment, and financial health. Tenants who experience eviction have reduced income in the two years following eviction. In a data-set study focused on New York City and Cook County, Illinois, researchers’ data modeling determined that eviction lowers earnings by approximately \$1,300 in the first year after an eviction filing and by about \$2,500 in the second year after filing. Collinson et al., *Eviction and Poverty*

in American Cities, supra, at 61. Other studies have estimated that the likelihood of being laid off is 11 to 15 percentage points higher for workers who were evicted or had to involuntarily move. Matthew Desmond & Carl Gershenson, *Housing and Employment Insecurity Among the Working Poor*, 63 Soc. Problems 46, 55 (2016). The economic impact goes beyond working adults. “[H]ousing instability as a child” has been “correlated with lower earnings[and] fewer work hours.” Cassie Chambers Armstrong & Christopher J. Ryan, Jr., *Rural Renting: An Empirical Portrait of Eviction*, 93 U. Cin. L. Rev. 1, 2 (2024) (quotation marks omitted).

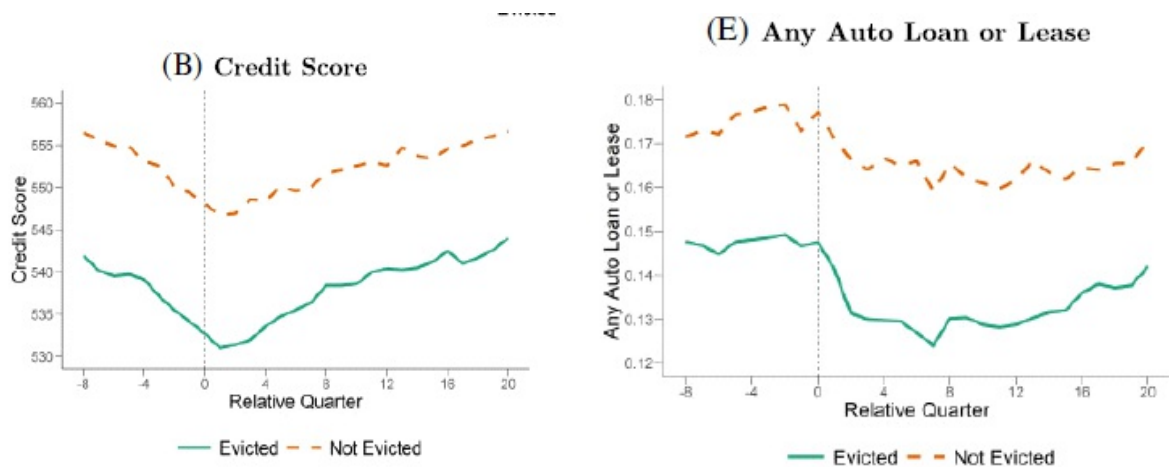
This negative impact makes sense. As noted eviction researcher Matthew Desmond explained:

A mother who does not know where she and her children will sleep the next night likely will be unable to maintain steady employment. If she is unemployed, securing housing after being evicted may take precedence over securing a job. If she is employed, the turmoil set off by eviction may affect her work performance and absenteeism, causing her to lose her job.

Matthew Desmond & Rachel T. Kimbro, *Eviction’s Fallout: Housing, Hardship, and Health* 94 Soc. Forces 295, 299 (2015).

But beyond a reduction in income or loss of a job, tenants who face eviction are subject to other financial harms and increased costs in all areas of their life. Studies have shown that an eviction “reduces the likelihood of having an automobile loan or lease,” and lowers credit scores. Collinson et al., *Eviction and*

Poverty in American Cities, supra, at 120.



Id. at 83. “Damage to a renter’s credit score from an eviction can [] make other necessities more expensive, as credit scores are often considered to determine the size of an initial deposit to purchase a cell phone, cable and internet, and other basic utilities.” Andrew Scherer, *The Case Against Summary Eviction Proceedings: Process as Racism and Oppression*, 53 Seton Hall L. Rev. 1, 30 (2022). And, although tenants may have had increased financial distress in the months leading up to an eviction court filing, “[f]ollowing the eviction case, tenants have diminished financial health—including elevated indebtedness and diminished credit access—for several years regardless of the outcome of the court case.” Collinson et al., *Eviction and Poverty in American Cities, supra*, at 87

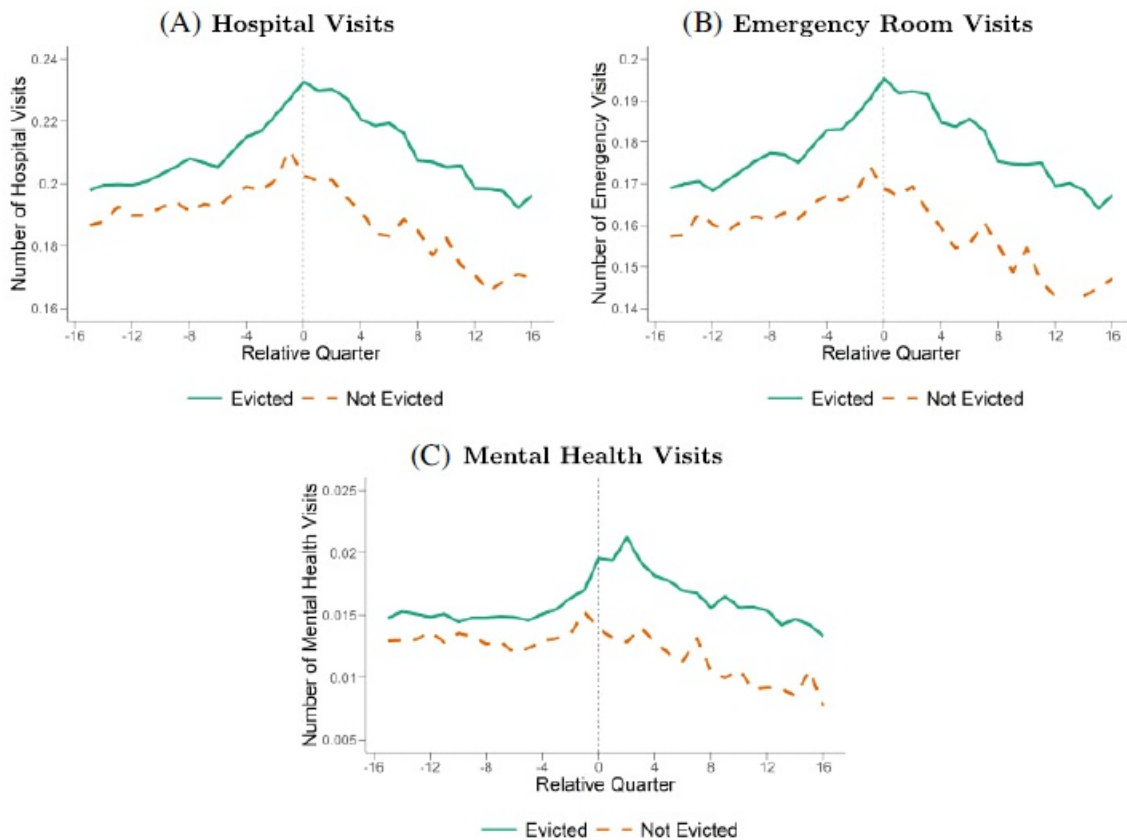
(emphasis added). The financial consequences of an eviction can reverberate in a tenant's life for years.

C. Evictions Negatively Impact Tenant Health.

Evictions can have serious impacts on tenants' physical and mental health. "The connection between the health and dwelling of the population is the most important one that exists." Allyson E. Gold, *No Home for Justice: How Eviction Perpetuates Health Inequity Among Low-Income and Minority Tenants*, 24 *Geo. J. on Poverty L. & Pol'y* 59, 70 (2016) (quoting Florence Nightingale). As such, the loss, or threatened loss, of housing can have considerable negative effects on a variety of health metrics.

Among other things, eviction is associated with increased depression and anxiety among adults; increased incidence of high blood pressure, heart disease, and sexually transmitted diseases; increased visits to the hospital; and an increased risk of suicide. Katie Moran-McCabe & Scott Burris, *Eviction and the Necessary Conditions for Health*, 385 *New Engl. J. Med.* 1443, 1443 (2021); Emily A. Benfer et al., *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, 98 *J. Urb. Health* 1, 4-5 (2021); Hugo Vásquez-Vera et al., *The Threat of Home Eviction and its Effects on Health through the Equity Lens: A Systematic Review*, 175 *Soc. Sci. & Med.* 199,

201 (2017) (reviewing results from 47 peer-reviewed articles that examine how evictions and foreclosures negatively impact residents' health); Gold, *supra*, at 70-73; Yerko Rojas & Sten-Åke Stenberg, *Evictions and Suicide: A Follow-Up Study of Almost 22,000 Swedish Households in the Wake of the Global Financial Crisis*, 70 J. Epidemiology & Community Health 409, 411 (2016). One study has shown that, in the year after eviction filing, hospital visits increase by 29% and visits for mental-health related conditions increase by 133%. Collinson et al., *Eviction and Poverty in American Cities*, *supra*, at 62. And although data shows hospital visits also increased in the months leading up to an eviction filing, the gap between hospital visits for evicted and nonevicted tenants widened *following* an eviction. *Id.* at 87.



Id. at 84.

The health of mothers and children are especially impacted. Eviction has been associated with adverse birth outcomes, including preterm births, low birth weight, and infant mortality. See Bruce Ramphal et al., *Evictions and Infant and Child Health Outcomes: A Systematic Review*, 6 JAMA Network Open 1, 4, 8 (2023) (reviewing 11 studies which showed association between eviction and negative health outcomes for infants (preterm birth, lower birth weight) and

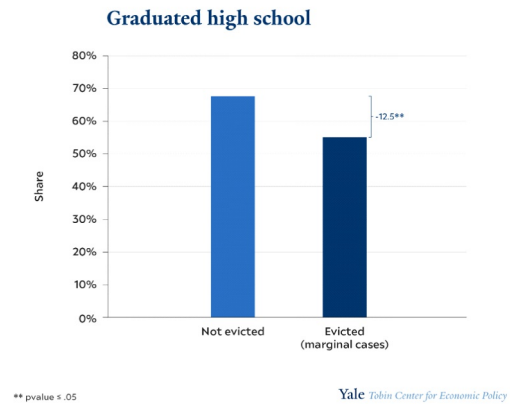
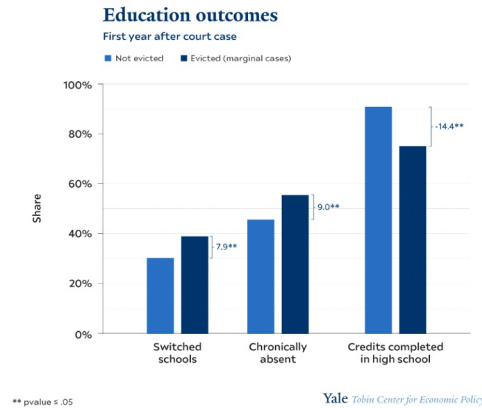
children (lower scores on developmental risk, academic performance, working memory)); Grace Himmelstein & Matthew Desmond, *Association of Eviction with Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016*, 175 JAMA Pediatrics 494, 496-98 (2021) (concluding evictions during pregnancy were associated with reduced birth weight, shorter gestation, increased probability of preterm, and trend toward increased infant mortality); Kathryn M. Leifheit et al., *Eviction in Early Childhood and Neighborhood Poverty, Food Security, and Obesity in Later Childhood and Adolescence: Evidence from a Longitudinal Birth Cohort*, 11 SSM – Population Health, 6 (2020) (noting children who experience eviction “had over twice the prevalence of low food security compared to children with no evictions.”). In one study looking at a cohort of 2,676 mothers, researchers found that mothers who had been evicted in the previous year suffered higher levels of parenting stress, were more likely to suffer from depression, and had a greater tendency to report that their and their children’s health was poor. Desmond & Kimbro, *supra*, at 301, 311-12, 316-17. Some evidence also indicated that as much as two years after an eviction, evicted mothers still reported depression at a significantly higher level than that reported by their peers. *Id.* at 317. Thus, the destabilizing effect of an eviction can negatively influence a family’s health well after the eviction has been ordered.

D. Evictions Impair Educational Attainment and Future Opportunity.

In addition to the health effects children feel as a result of, or in association with, an eviction, evictions can also impact a child academically. Among other things, evictions have been tied to more school absences, increased school changes, depressed graduation rates, missed credits, and lower test scores. *See generally* Robert Collinson et al., *The Effects of Eviction on Children* (Ctr. Econ. Stud. Working Paper No. 25-34, 2025). *See also* Chambers Armstrong & Ryan, *supra*, at 2 (“Children who experienced eviction during infancy scored systematically lower at age nine on tests of executive functioning, mathematical reasoning, and language skills.”).

In a 2025 study, focused on New York City and Chicago, researchers determined that evicted students are more likely to be chronically absent from school (i.e., absent for more than 10% of school days), have reduced earned credits, and, by the second full year after filing, eviction increases the likelihood a student is held back a grade by 5.3 percentage points, a 34% increase relative to nonevicted students. Collinson et al., *The Effects of Eviction on Children*, *supra*, at 3, 27-29. Critically, researchers also estimate that eviction reduces the likelihood that a student will *ever* graduate from high school by 12.5 percentage points relative to non-evicted students, an impact that is “similar in magnitude to the

estimated effects of juvenile incarceration on high school completion.” *Id.* at 29-30; *id.* at 29 (“[T]he results suggest that eviction does not cause students to shift from on-time to delayed graduation, but instead causes students to shift from delayed graduation to dropping out.”).



Yale - Tobin Ctr. Econ. Pol'y, *The Effects of Eviction on Children* (Apr. 2025)

<https://tobin.yale.edu/research/effects-eviction-children> (last visited April 3,

2026). As it is estimated that 3.1 million children face eviction each year, the

above academic consequences are made all the more sobering. Collinson et al.,

The Effects of Eviction on Children, supra, at 14.

E. Evictions can Negatively Impact Community Involvement.

Finally, evictions can negatively impact community relations. “Without stable housing, it is ‘increasingly difficult for low-income families to enjoy a kind of psychological stability, which allows people to place an emotional investment in their

home, social relationships, and community; school stability, which increases the chances that children will excel in their studies and graduate; or community stability, which increases the chances for neighbors to form strong bonds and to invest in their neighborhoods.” *Hare v. David S. Brown Enters., Ltd.*, 340 A.3d 698, 703 (Md. 2025) (quoting Desmond & Kimbro, *supra*, at 296). In addition to the community impacts felt through changing schools or jobs, evidence shows that civic participation may fall after an eviction. In a study drawing on tens of millions of eviction and voting records across multiple states, researchers found that residential eviction rates negatively impacted voter turnout during the 2016 election, a finding which was replicated in a county-level analysis of the 2012 presidential election. Gillian Slee & Matthew Desmond, *Eviction and Voter Turnout: The Political Consequences of Housing Instability*, 51 *Pol. & Soc’y* 3, 4, 13, 20-21 (2021).

Evictions do not just harm the named parties. The echoes of eviction impact the person, the family, and the community for years to come.

IV. Appellee Is an Eviction Mill Law Firm.

In discovery in this action, Appellee admitted that with its five attorneys, it processed from two to three hundred evictions per month, 75% of which were filed. Transcript of Rule 30(b)(6) Deposition of Landlord Resource Network, Exhibit B to Declaration of Darren Schwiebert (July 30, 2025), Joint Appendix,

Volume I at 131-138. The average number of working days in a month is 19 - 22, excluding weekends and public holidays. ARA, *How Many Working Days Are in a Month?*, <https://arahr.com/working-days-in-a-month/> (last visited April 3, 2026).

These numbers suggest each attorney filing an average of 30 to 45 eviction actions per month, or one to two cases each working day. During the week of March 16, 2026, Appellee filed 64 eviction actions. Declaration of Ozie Nieves Rubio, App.

2. This equates to around 250 filings in one month, indicating that Appellee continues to churn out eviction actions at the same pace.

Unfortunately, Appellee is not alone in conducting debt collection mills. The United States Consumer Financial Protection Bureau (hereinafter “CFPB”) has filed several actions against debt collection lawsuit mills that use illegal tactics to intimidate consumers into paying debts they may not owe.

In *Consumer Financial Protection Bureau v. Frederick J. Hanna & Associates, P.C.*, No. 1:14-cv-02211-AT (N.D. Ga.), the CFPB claimed:

1. Defendants, a law firm and its principal partners, have sued hundreds of thousands of Georgia consumers to collect debts that the consumers allegedly owe to others.
2. To produce so many lawsuits, the Firm operates less like a law firm than a factory. It relies on an automated system and non-attorney support staff to determine which consumers to sue. The non-attorney support staff produce the lawsuits and place them into mail buckets, which are then delivered to attorneys essentially waiting at the end of an assembly line. The

Firm's attorneys are expected to spend less than a minute reviewing and approving each suit.

3. Using high-volume litigation tactics, Defendants collect millions of dollars each year, often from consumers who may not actually owe debts or may not owe debts in the amounts claimed.

Id., Complaint at 1-2 (July 14, 2014),

https://files.consumerfinance.gov/f/201407_cfpb_complaint_hanna.pdf. The court

issued the Stipulated Final Judgment and Order, enjoining certain collection suits and use of deceptive affidavits in collection suits, awarding penalties, and ordering compliance with the CFPB. Stipulated Final Judgment and Order (Jan. 6, 2016),

https://files.consumerfinance.gov/f/201601_cfpb_stipulated-final-judgment-and-order-frederick-j-hanna.pdf.

The CFPB commenced an administrative proceeding against the debt collection law firm Pressler & Pressler, LLP in 2016. It alleged:

Pressler & Pressler used an automated claim-preparation system and non-attorney support staff to determine which consumers to sue. Attorneys generally spent less than a few minutes, sometimes less than 30 seconds, reviewing each case before initiating a lawsuit. This process allowed the firm to generate and file hundreds of thousands of lawsuits against consumers in New Jersey, New York, and Pennsylvania between 2009 and 2014.

CFPB, *CFPB Takes Action to Halt Illegal Debt Collection Practices By Lawsuit*

Mill and Debt Buyer,

<https://www.consumerfinance.gov/about-us/newsroom/cfpb-takes-action-halt-illegal-debt-collection-practices-lawsuit-mill-and-debt-buyer/> (last visited April 3,

2026). The CFPB found that the attorneys had not reviewed original account-level documentation prior to making the decision to initiate the lawsuits or in the preparation of the pleadings, litigation activities relied substantially on a non-attorney support staff along with a proprietary collection software system that the firm uses to automate, review, and ensure compliance with its processes for receiving and preparing new lawsuits for its clients, and the signing attorney generally spent less than a few minutes, sometimes less than 30 seconds, reviewing each summons and complaint before approving the filings and directing that a lawsuit be initiated. *In the Matter of Pressler & Pressler, Llp, Sheldon H. Pressler, and Gerard J. Felt*, Consent Order at 4-8 (April 25, 2016),

https://files.consumerfinance.gov/f/documents/201604_cfpb_consent-order-pressler-pressler-llp-sheldon-h-pressler-and-gerard-j-felt.pdf. The CFPB issued the consent order prohibiting debt-collection litigation activities without a reasonable basis use of deceptive affidavits, and including detailed documentation of the debt, attorney obligations to confirm the debt, and penalties. *Id.* at 11-29.

In *Bureau of Consumer Financial Protection v. Forster & Garbus, LLP*, No. 2:19-cv-02928 (E.D. N.Y.), the CFPB claimed:

1. The Bureau brings this action against Forster & Garbus, LLP, a debt-collection law firm, to address its practice of filing collection lawsuits against consumers without meaningful attorney involvement.
2. Since at least January 2014, Forster & Garbus has relied on non-attorney support staff, automation, and both a cursory and deficient review of account files to attempt to collect more than 99,000 debts that consumers allegedly owe to Forster & Garbus's clients.
3. Using high-volume litigation tactics, Forster & Garbus collects substantial sums of money from consumers who may not actually owe debts or may not owe debts in the amounts claimed in the collection suits.

Id., Complaint at 1 (May 17, 2019),

https://files.consumerfinance.gov/f/documents/cfpb_forster-garbus_complaint_2019-05.pdf. The court issued the Stipulated Final Judgment and Order, requiring

affirmative requirements related to debt-collection litigation activity, including detailed documentation of the debt, attorney obligations to confirm the debt, and penalties. *Id.*, Stipulated Final Judgment and Order (Jan. 18, 2023),

https://files.consumerfinance.gov/f/documents/cfpb_forster-garbus_stipulated-final-judgment-and-order_2023-01.pdf.

V. Appellee Should Be Held to the Highest Standards under the Fair Debt Collection Practices Act.

As discussed above, Minnesota is in the midst of a debt collection litigation crisis. Tenants facing debt collection in eviction actions in Minnesota have even

less due process protections than defendants in conventional civil litigation, often forcing them to pay money they don't agree they owe. Debt collection through evictions have a much more devastating effect on tenants than collection through conventional litigation on other debtors. Appellee is an eviction mill law firm, filing hundreds of evictions each month with little time to verify the facts of each case. The district court interpreted the FDCPA to allow Appellee to continue its activities without accountability under the FDCPA. Because of the dire consequences for tenants, this Court should hold Appellee to the Highest Standards under the FDCPA. *See* Opening Brief of Appellants.

CONCLUSION

For the foregoing reasons, these amici curiae respectfully ask the Court to reverse the grant of summary judgment on claims and remand for further proceedings.

DATED: April 13, 2026

Respectfully submitted,

/s/ Lawrence McDonough

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CERTIFICATE OF COMPLIANCE WITH RULE 32(a)(7) OF THE
FEDERAL RULES OF APPELLATE PROCEDURE

I hereby certify that this brief is typed in Word Perfect using 14-point type and “Times New Roman” proportionally spaced font. The length of this brief is, with allowed exclusions, 6431 words.

I further certify that the electronic version of this brief provided to the Court and parties has been scanned for viruses and has been found to be virus-free, as required by Eight Circuit Local Rule of Appellate Procedure 28A(h).

Dated: April 13, 2026

/s/ Lawrence R. McDonough
Lawrence R. McDonough

CERTIFICATE OF SERVICE

Pursuant to Rule 25 of the Federal Rules of Appellate Procedure, and Circuit Rule 25A(a), I hereby certify that on April 13, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: April 13, 2026

/s/ Lawrence R. McDonough
Lawrence R. McDonough

Nos. 26-1037, 26-1039, 26-1054

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Joyce Johnson,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

Benjamin Prigge,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

Kimberly Heins,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

On Appeal from the United States District Court for the District of Minnesota
Nos. 24-cv-2602, 24-cv-3328, 24-cv-4105 (KMM/EMB)

APPENDIX TO BRIEF OF AMICI CURIAE OF NATIONAL HOUSING LAW
PROJECT, HOUSING JUSTICE CENTER, AND HOME LINE IN SUPPORT OF
APPELLANTS FOR REVERSAL

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Nos. 26-1037, 26-1039, 26-1054

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

Joyce Johnson,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

Benjamin Prigge,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

Kimberly Heins,

Appellant,

vs.

Landlord Resource Network, LLC

Appellee.

On Appeal from the United States District Court for the District of Minnesota
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DECLARATION OF OZIE NIEVES RUBIO

I, Ozie Nieves Rubio, declare and state as follows:

1. My name is Ozie Nieves Rubio. I am over the age of 18 and have personal knowledge of the facts set forth in this declaration, except to the extent the context indicates otherwise. I am the Eviction Data Assistant at HOME Line.
2. To the best of my knowledge, I looked at every residential eviction complaint filed in Minnesota between the dates of March 16, 2026, and March 20, 2026. I did this by obtaining case numbers for all eviction-related filings and manually searching through all relevant complaints.
3. I determined that 439 of them were residential evictions. If the landlord was represented by an attorney, I noted the name of the attorney or law firm.
4. Landlord Resource Network, LLC, was the attorney of record in 64 of the 439 cases I looked at in this one week period.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

HOME Line

Dated: April 10, 2026

/s/ Ozie Nieves Rubio
By: Ozie Nieves Rubio