

Woman Hounded by Collectors Wins Suit

SANTA FE — A Santa Fe federal court jury on Friday awarded a woman \$1.26 million in damages from a debt-collection law firm that pursued her for three years in a case of mistaken identity.

Denver-based Farrell & Sandlin twice filed to garnish the wages of Lucinda Yazzie of Farmington — the second time despite assurances from her employer that the collectors had the wrong person — and didn't back off until Yazzie filed her federal court lawsuit, said Rob Treinen of Albuquerque, Yazzie's attorney.

"They had been on notice that they had been pursuing the wrong person for three years," Treinen said. "They just would not stop coming after her."

Treinen said the jury awarded Yazzie \$161,000 in actual damages for emotional distress and \$1.1 million in punitive damages.

The Target credit card debt that the firm was trying to recover — the responsibility of another person named Lucinda Yazzie, with a different Social Security number, address and other identifiers — was about \$5,000, Treinen said.

An employee at Farrell & Sandlin's Albuquerque office referred questions about the lawsuit to the Denver office. A message left there was not returned Friday.

Treinen said his client was first contacted about the debt in December 2006. She told the caller that she'd never had a Target card and there was another person in the Farmington area with the same name about whom she had received calls from creditors previously.

But Farrell & Sandlin filed a complaint in state court for money due against the wrong Lucinda Yazzie in April 2007 and obtained a garnishment of wages writ against her employer, a Farmington energy company. Yazzie couldn't solve the problem with calls to Farrell & Sandlin, but the garnishment was dropped when Yazzie's boss filed an answer saying she was the wrong person.

But in August 2009, a second garnishment writ was filed. Yazzie's employer notified Farrell & Sandlin by fax they had the wrong debtor and that this was a case of mistaken identity, and also followed up with a phone call, Treinen said.

Treinen said a hearing was scheduled in Farmington at which both Yazzies — his client and the real debtor — were to appear in an effort to resolve the mix-up, but the debt collectors wouldn't come. The second request for garnishment stood until after Yazzie filed her federal court lawsuit in March 2010, according to her suit. "They backed down after we filed the lawsuit, after she got an attorney," Treinen said.

U.S. District Judge Bruce Black, in a pretrial order in the case, wrote that Farrell & Sandlin admitted that the Social Security number of the actual debtor "was changed in the Law Firm's records by an unauthorized act of a former employee" and as a result the firm went after the wrong Lucinda Yazzie.

Target National Bank, the financial arm of Target stores, had provided the firm with correct information, the judge's order says.

The law firm maintained the change of Social Security numbers was a violation of company policy and a defensible "bona fide error" under the Fair Debt Collection Practices Act, the judge's order states.

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