

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|------------------------------------|---|---------------|
| ROSALIND SMITH and RASHAI JACKSON, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | No. 11 C 5340 |
| AFS ACCEPTANCE, LLC, EQUITABLE |) | |
| SERVICES, INC., and UNKNOWN |) | |
| REPOSSESSION AGENTS, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

MEMORANDUM OPINION AND ORDER

Plaintiffs Rosalind Smith and Rashai Jackson sued defendants AFS Acceptance, LLC ("AFS") and Equitable Services, Inc. ("Equitable") for various statutory and common law claims arising out an incident that occurred on August 16, 2010. Plaintiff Rosalind Smith obtained an auto loan from AFS to purchase a vehicle. When Smith defaulted on her loan, AFS hired Equitable to repossess the vehicle. While Equitable was in the process of hooking the vehicle up to tow it away, Smith's daughter, Rashai Jackson, jumped into the vehicle and then Smith also jumped into the vehicle. The police arrived on the scene while the repossession was in progress and the two women were in the vehicle. The officers stopped the repossession and told Equitable to leave the vehicle in the driveway. AFS has moved to dismiss the claims against it: (1) violation of Article 9, § 609(b)(2) of Illinois'