

District Court, Boulder County, Colorado Court Address: 1777 6 th Street, Boulder, CO 80302 Phone: (303) 441-3750	
Plaintiff: Nick Gromicko v.	▲ COURT USE ONLY ▲
Defendants: Equifax Inc.; Equifax Information Services LLC; Experian Information Solutions, Inc.; Trans Union LLC	Case Number: 2015 CV 21006 Division: Courtroom:
DISTRICT COURT CIVIL SUMMONS	

TO THE ABOVE NAMED DEFENDANTS:

Equifax, Inc., c/o its registered agent, Prentice-Hall Corp. System, Inc., 1560 Broadway, Ste. 2090, Denver, CO 80202

Equifax Information Services LLC, c/o its registered agent, Prentice-Hall Corp. System, Inc., 1560 Broadway, Ste. 2090, Denver, CO 80202

Experian Information Solutions, Inc., c/o its registered agent, The Corporation Company, 1675 Broadway, #1200, Denver, CO 80202

Trans Union LLC c/o its registered agent, Prentice-Hall Corp. System, Inc., 1560 Broadway, Ste. 2090, Denver, CO 80202

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court an answer or other response to the attached Complaint. If service of the Summons and Complaint was made upon you within the State of Colorado, you are required to file your answer or other response within 21 days after such service upon you. If service of the Summons and Complaint was made upon you outside of the State of Colorado, you are required to file your answer or other response within 35 days after such service upon you. Your answer or counterclaim must be accompanied with the applicable filing fee.

If you fail to file your answer or other response to the Complaint in writing within the applicable time period, the Court may enter judgment by default against you for the relief demanded in the Complaint without further notice.

Dated: September 18, 2015.

NICK GROMICKO, Plaintiff

s/ Mark Cohen

MARK COHEN, J.D., LL.M. - #13178
 P.O. Box 974
 Nederland, CO 80466
 (303) 638-3410
mark@cohenslaw.com

This Summons is issued pursuant to Rule 4, C.R.C.P., as amended. A copy of the Complaint must be served with this Summons. This form should not be used where service by publication is desired.

WARNING: A valid summons may be issued by a lawyer and it need not contain a court case number, the signature of a court officer, or a court seal. The plaintiff has 14 days from the date this summons was served on

you to file the case with the court. You are responsible for contacting the court to find out whether the case has been filed and obtain the case number. If the plaintiff files the case within this time, then you must respond as explained in this summons. If the plaintiff files more than 14 days after the date the summons was served on you, the case may be dismissed upon motion and you may be entitled to seek attorney's fees from the plaintiff.

TO THE CLERK: If the summons is issued by the clerk of the court, the signature block for the clerk or deputy should be provided by stamp, or typewriter, in the space to the left of the attorney's name.

<p>DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 6th Street Boulder, CO 80302</p> <hr/> <p>Plaintiff: Nick Gromicko</p> <p>Defendants: Equifax Inc.; Equifax Information Services LLC; Experian Information Solutions, Inc.; Trans Union LLC</p> <hr/> <p>Lawyer: Mark Cohen, J.D., LL.M. Address: P.O. Box 974 Nederland, CO 80466 Phone: (303) 638-3410 E-mail: mark@cohenslaw.com URL: www.cohenslaw.com Atty Reg. # 13178</p>	<p style="text-align: center;">σ COURT USE ONLY σ</p> <hr/> <p>Case No. 2015 CV 21006</p> <p>Div.: Ctrm.:</p>
COMPLAINT	

Plaintiff alleges:

PARTIES

1. Plaintiff, Nick Gromicko, is and was at all times relevant to this action a resident of Boulder, Colorado, with a mailing address of 1750 30th Street, No. 301, Boulder, CO 80301.
2. Defendant Equifax Inc. (“Equifax”) is a Georgia corporation with its headquarters at 1550 Peachtree Street NW, Atlanta, GA 30309.
3. Defendant Equifax Information Services LLC (“Equifax IS”) is a Georgia limited liability company with its headquarters at 1550 Peachtree Street NW, Atlanta, GA 30309.
4. There is a business relationship between Equifax and Equifax IS, but Plaintiff does not know the details of that relationship. They may be sister entities, one, may be a subsidiary of the other, of circumstances may exist that require the Court to disregard the separateness of the two entities.

5. Defendant Experian Information Solutions, Inc. (“Experian”) is an Ohio corporation with its headquarters at 475 Anton Boulevard, Costa Mesa, CA 92626.

6. Defendant Trans Union LLC (“Trans Union”) is a Delaware limited liability company with its headquarters at 555 W. Adams Street, Chicago IL 60661.

7. This Complaint refers to the four Defendants collectively as “Defendants.”

8. Plaintiff believes each Defendant is a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. Defendants make credit reports available to creditors wishing to know the credit history of an individual.

9. Plaintiff incorporates all allegations in this Complaint into each cause of action. Plaintiff incorporates the allegations in each cause of action into all other causes of action.

JURISDICTION AND VENUE

10. The Court has jurisdiction over the Defendants because they transact business in Colorado and Colorado has authorized them to transact business in Colorado.

11. The Court has subject matter jurisdiction pursuant to Article VI, Section 9 of the Colorado Constitution.

12. Venue is proper pursuant to C.R.C.P. 98(c)(1) because Defendants are nonresidents of Colorado and this Complaint designates Boulder as the venue. Additionally, Venue is proper pursuant to C.R.C.P. 98(c)(5) because Defendants committed the wrongs detailed in this Complaint in Boulder County, at least in part.

GENERAL ALLEGATIONS

13. In approximately May of 1996, Plaintiff opened a credit card account with Citibank.¹

14. Sometime prior to October 3, 2015, Citibank reported to the Defendants that Plaintiff had failed to pay a \$115.00 debt to Citibank and was two months past due (“the alleged debt”).

15. Upon learning that Citibank had reported the alleged debt to Defendants, Plaintiff contacted Citibank, disputed the accuracy of the information Citibank had reported to Defendants concerning the alleged debt, and asked Citibank to remove the negative information from Plaintiff’s credit history.

¹ It is not clear whether Plaintiff’s account was with Citibank, N.A., or Citibank South Dakota, N.A. This Complaint refers them collectively as “Citibank.”

16. On September 11, 2012, Citibank sent Plaintiff a letter informing Plaintiff it had asked Defendants to remove the incorrect negative information from Plaintiff's credit history. A copy of that letter is attached as **EXHIBIT A**. The letter advised Plaintiff to allow at least thirty days for Defendants to update their files.

17. On October 3, 2012, Plaintiff sent three letters, one to each Defendant (counting Equifax and Equifax IS as one). Copies of those are attached as **EXHIBIT B**.² Plaintiff sent each letter by certified mail to addresses Defendants provided on their respective websites. **EXHIBIT C**. Plaintiff's letters to Defendants included a copy of **EXHIBIT A**.

18. On September 11, 2015, Plaintiff checked his credit report through Credit Karma and discovered his credit report was still showing that he had been 60 to 89 days late in making a payment to Citibank. Plaintiff then checked the current credit reports on him prepared by each of the Defendants, and all three still showed the incorrect negative information that Citibank had asked them to remove.

19. Plaintiff is a private person. His reputation for timely payment of his debts is important to him and to his credibility. The amount of damages Plaintiff seeks does not exceed \$75,000.00, exclusive of interest and costs.

FIRST CAUSE OF ACTION – LIBEL PER SE

20. Defendants published numerous credit reports pertaining to Plaintiff that all contained the incorrect negative information.

21. The statements Defendants published were defamatory per se.

22. The statements Defendants published were about the Plaintiff.

23. The defamatory statements harmed Plaintiff's reputation.

WHEREFORE, Plaintiff prays for such damages as Plaintiff proves at trial, for costs and attorney's fees to the extent allowed by law, and such other relief as the Court deems just.

SECOND CAUSE OF ACTION – LIBEL PER QUOD

24. The statements Defendants published were defamatory.

25. The publication of the defamatory statements damaged in that resulted in him having to pay higher interest rates on borrowed money than he would have had to pay if Defendants had not published the defamatory statements.

² Plaintiff mistakenly dated the letters September 3, 2012, rather than October 3, 2012.

WHEREFORE, Plaintiff prays for such damages as Plaintiff proves at trial, for costs and attorney's fees to the extent allowed by law, and such other relief as the Court deems just.

JURY DEMAND

Plaintiff demands a jury trial and tendered the required fee when his lawyer filed this Complaint.

Dated: September 18, 2015.

NICK GROMICKO, Plaintiff

s/ Mark Cohen

MARK COHEN, J.D., LL.M. - #13178
P.O. Box 974
Nederland, CO 80466
(303) 638-3410
mark@cohenslaw.com



Citibank, N.A.
P.O. Box 6241
Sioux Falls, SD 57117-6241

NICKIFOR GROMICKO
1750 30TH ST
SUITE 301
BOULDER, CO 80301

September 11, 2012
Card No: 542418063636

DEAR NICKIFOR GROMICKO:

In response to your inquiry, we requested the consumer reporting agencies to:

Delete the account(s) from your credit report.

We have forwarded the information to the following agencies:

Equifax Information Services LLC
PO Box 740256
Atlanta, GA 30374
1-800-685-1111
www.equifax.com

TransUnion Consumer Relations
PO Box 1000
2 Baldwin Place
Chester, PA 19022
1-800-888-4213
www.transunion.com/myoptions

Experian
PO Box 2002
701 Experian Parkway
Allen, TX 75013-0036
1-888-397-3742
www.experian.com

Please allow at least 30 days for them to update their files.

Sincerely,

Credit Management Department

CBR0009

FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

Nick Gromicko
1750 30th Street, Suite 301
Boulder, CO 80301
SSN: 161-56-5946
Phone: (720) 272 8578
September 3, 2012

Equifax Information Services, LLC
P.O. Box 740256
Atlanta, GA 30374

Ref: Lawsuit.

This letter is to inform you that we have filed suit against Citibank for failing to correct my credit report. A copy of the lawsuit is enclosed.

They claim that they instructed you to correct the error. A copy of their letter is enclosed.

I am hoping that you can make this correction immediately. If you can't, please inform me so that I can include you as a defendant.

Thank you.

Nick Gromicko

Nick Gromicko
1750 30th Street, Suite 301
Boulder, CO 80301
SSN: 161-56-5946
Phone: (720) 272 8578
September 3, 2012

Experian
P.O. Box 2002
701 Experian Parkway
Allen, TX 75013-0036

Ref: Lawsuit.

This letter is to inform you that we have filed suit against Citibank for failing to correct my credit report. A copy of the lawsuit is enclosed.

They claim that they instructed you to correct the error. A copy of their letter is enclosed.

I am hoping that you can make this correction immediately. If you can't, please inform me so that I can include you as a defendant.

Thank you.

Nick Gromicko

Nick Gromicko
1750 30th Street, Suite 301
Boulder, CO 80301
SSN: 161-56-5946
Phone: (720) 272 8578
September 3, 2012

TransUnion Consumer Relations
P.O. Box 1000
2 Baldwin Place
Chester, PA 19022

Ref: Lawsuit.

This letter is to inform you that we have filed suit against Citibank for failing to correct my credit report. A copy of the lawsuit is enclosed.

They claim that they instructed you to correct the error. A copy of their letter is enclosed.

If you can provide me with any information to help me win against them in court, I would appreciate it. Let me know if they lied to you about my payment history please.

Thank you.

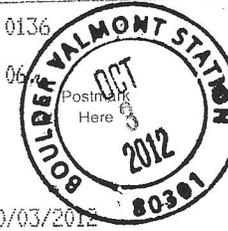
Nick Gromicko

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CRUM LYNNE PA 19022

Postage	\$ 1.10	0136
Certified Fee	\$2.95	06
Return Receipt Fee (Endorsement Required)	\$2.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.40	10/03/2012



Sent To: **TRANSUNION CONSUMER RELATIONS**
 Street, Apt. No., or PO Box No. **P.O. BOX 1000, 2 BALDWIN PL.**
 City, State, ZIP+4 **CHESTER, PA 19022**

PS Form 3800, August 2006 See Reverse for Instructions

EXHIBIT C

U.S. Postal Service™

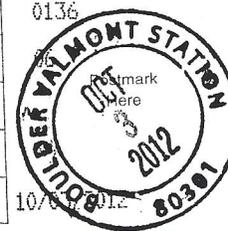
CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALLEN TX 75013

Postage	\$ 1.10	0136
Certified Fee	\$2.95	
Return Receipt Fee (Endorsement Required)	\$2.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.40	10/03/2012



Sent To: **EXPERIAN**
 Street, Apt. No., or PO Box No. **P.O. Box 2002, 701 EXPERIAN PKWY**
 City, State, ZIP+4 **ALLEN, TX 75013-0036**

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™

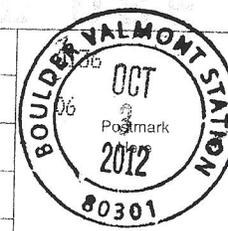
CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ATLANTA GA 30374

Postage	\$ 1.10	0136
Certified Fee	\$2.95	
Return Receipt Fee (Endorsement Required)	\$2.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.40	10/03/2012



Sent To: **EQUIFAX INFORMATION SERVICES, LLC**
 Street, Apt. No., or PO Box No. **P.O. Box 740256**
 City, State, ZIP+4 **ATLANTA, GA 30374**

PS Form 3800, August 2006 See Reverse for Instructions