|  |  |
| --- | --- |
| ARAPAHOE COUNTY DISTRICT COURT STATE OF COLORADO | DATE FILED: August 13, 2018 2:11 PMFILING ID: 44FC069EBEAE0 CASE NUMBER: 2018CV31170 |
| Court Address:7325 South Potomac Street Centennial, Colorado 80112 | Court Use Only |
| **Plaintiff(s): NAME(s)** |  |
| **Defendant(s): Defendant’s Name(s)** | Case Number: 18 CV 031170 |
| *Attorneys for Plaintiff*ATTORNEY NAME(s) FIRM NAME: FIRM ADDRESS:Phone Number: Fax Number:  | Division/ Courtroom: 402 |
| **AMENDED COMPLAINT FOR DECLARATORY JUDGMENT** |

**COMES NOW,** the Plaintiff Gary Margot, by and through his attorney Anderson Hemmat, LLC and for his Amended Complaint for Declaratory Judgment against the Defendants states as follows:

# PARTIES, VENUE AND JURISDICTION

1. At all times relevant hereto, Plaintiff (hereinafter “Plaintiff”) was a resident of the City of Avon, County of Eagle, State of Colorado.
2. At all times relevant hereto Defendant MedPort Billing, LLC (hereinafter referred to as “Defendant MedPort”) is a Colorado limited liability company.
3. At all times relevant hereto Defendant Commerce Bank, (hereinafter referred to as “Defendant Commerce”) is a Kansas corporation.

4 . Pursuant to C.R.C.P. 98(c), venue is proper in Arapahoe County, State of Colorado, as it is the location of money being held in Plaintiff counsel’s trust account pending the outcome of this action.

1. This Court has jurisdiction over this Complaint for Declaratory Judgment pursuant to C.R.S. § 13-51-101, *et. seq.*, and C.R.C.P. 57.

# FACTUAL ALLEGATIONS

1. Plaintiff incorporates herein by this reference all allegations contained in Paragraphs 1 through 5 of this Complaint, as if set forth *verbatim*.
2. On May 26, 2017 Plaintiff suffered physical injuries as a direct and proximate result of a motor vehicle accident caused by Tracy Vigil.
3. On this same date, Plaintiff treated for his injuries sustained in the accident at the emergency room at Vail Valley Medical Center. Plaintiff also underwent two additional visits to the emergency room at Vail Valley Medical Center.
4. Plaintiff thereafter, sought additional medical treatment from CROM, Uptown Brain Injury & Pain Management, Health Images, Amazing Brains and Broadway Plastic Surgery.
5. Defendant Commerce bought the bill from Vail Valley Medical Center.
6. Defendant MedPort financed the medical treatment Plaintiff incurred with CROM, Uptown Injury & Pain Management, Health Images, Amazing Brains and Broadway Plastic Surgery.
7. The amounts Defendants are claiming as “liens” are not reasonable and necessary charges and are in excess of the customary rate for similar services.

# FIRST CLAIM FOR RELIEF

**Declaratory Judgment**

1. Plaintiff seeks a declaratory judgment based on the reasonable determination of usual and customary charges by medical professionals for the medical care provided to Plaintiff in accordance with C.R.C.P. Rule 57(b).
2. Plaintiff is an interested party consistent with C.R.C.P. 57(d).
3. Accordingly, Plaintiff prays for a declaratory judgment of the appropriate value of the medical expenses.

WHEREFORE, Plaintiff prays for relief all is as more particularly hereinafter set forth. WHEREFORE, Plaintiff requests that this Court Order to determine what, if any,

outstanding charges are or should be Plaintiff’s responsibility consistent with Rule 57 for ultimate declaratory relief and for such other and further relief as to the Court appears proper in the premises.

Respectfully submitted this 13th day of August, 2018.

FIRM NAME

*s/ ATTORNEY NAME*

LAWYER NAME

Attorneys for Plaintiff

Plaintiff’s Address: