

## Nicholas J. Prola

SHAREHOLDER



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### Practice Groups

Business & Commercial Litigation

Consumer Finance

Complex Litigation

Class Actions

Cybersecurity, Data Privacy &  
Artificial Intelligence

### Overview

Nicholas Prola is an experienced litigator who focuses his practice on consumer finance defense. He is dedicated to defending financial entities, law firms, healthcare providers, and other organizations against consumer financial protection claims. Nicholas also advises organizations on privacy and data security issues and defends related regulatory and class action claims.

Nicholas acts as outside general counsel to entities in the ARM space, providing guidance on compliance with state and federal regulations, policies and procedures, contracting, vendor management, employment issues, and litigation. He is also involved in advocating for the ARM industry at the Colorado state legislature and previously serving on the ACA of Colorado, Wyoming, and New Mexico's Legislative Committee.

### Education & Admissions

#### Education

- University of San Diego School of Law, J.D., 2010
  - University Merit Honors Scholarship
  - Honors: Lawyering Skills I, Legal Research, and Writing
  - Best Oral Advocate, Lawyering Skills I, 2008
  - Student Delegate, Student Affairs Committee of Board of Trustees, 2007-2008
  - Associate Member, Constitutional Reform Committee, 2008-2009
  - Executive Board Member, Fundraising, Phi Alpha Delta, 2008-2009
- University of Illinois, B.A., 2005

#### Bar Admissions

- U.S. District Court, District of Colorado
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Western District of Michigan
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin

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- Colorado
- Illinois
- *Not licensed in Minnesota or South Dakota*

## Experience

### Representative Cases

#### Credit and Collection

- Successful defense of agency against FDCPA claims, obtaining motion to dismiss for failure to state a claim.
- Successful defense of agency against FDCPA claims, obtaining motion to dismiss because the plaintiff's motion was not brought within a reasonable time from the entry of judgment and plaintiff did not demonstrate excusable neglect or any other basis under Rule 60(b) for seeking to vacate the judgment.
- Successful defense of agency, obtaining an order dismissing the plaintiff's claims for alleged ineffective service of a complaint.
- Successful defense of hospital system, obtaining an order dismissing the plaintiffs' claims with prejudice in class-action counterclaims and crossclaims based on the hospital system's chagemaster.

#### Cybersecurity and Data Breach

- Representation of agency in ransomware attack targeting nearly 2 million individuals, resulting in a nationwide class action.

#### Publications

- *Appeals Court Affirms Ruling for CRA in FCRA Case, But Dissenting Opinion Says "Critical" Evidence was Overlooked*, quoted, Compliance Digest, AccountsRecovery.net, August 19, 2024
- *Debt Collectors are Already Subject to a Web of Complex Regulations*, quoted, White House Targets Deceptive AI Chatbox; ACA Members Weigh In article, August 16, 2024

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### Seminars

#### AccountsRecovery.Net Webinar Presenter

- *How to Parse Disputes, Cease Requests, and Other Vague Comments from Consumers*, presenter, August 1, 2025
- *What to do When a Consumer Claims to be the Victim of Identity Theft*, presenter, May 21, 2025
- *How to Make Sure You Are Marking Accounts as Ceases and Disputes Properly*, presenter, March 4, 2025
- *Traps that Consumers Set to Catch Collectors*, presenter, January 31, 2025
- *How to Establish an Effective Root Cause Analysis Program*, presenter, September 26, 2024
- *Using Compliance as a Competitive Advantage*, presenter, AccountsRecovery.net ARM LAW Seminar, Chicago, IL, September 16, 2024
- *How to Establish an Effective Non-Conformities Process*, presenter, August 27, 2024
- *How to get Your Applications for Text Messages with Aggregators Approved*, presenter, July 3, 2024
- *Compliance Q&A about Webchats and Chatbots*, presenter, May 9, 2024
- *An Update on Medical Debt Collection & Credit Reporting Laws and Regulations*, presenter, March 27, 2024
- *The Difference Between Direct Disputes and Indirect Disputes and How Each Should be Handled*, presenter, February 2, 2024
- *Are Your Dispute Investigation Policies & Procedures Adequate?*, presenter, December 21, 2023
- *Best Practices in Handling Payment Processing Fees*, presenter, December 11, 2023
- *The Intersection Between Credit Reporting and ID Theft – When Consumers Say a Debt is Not Theirs*, presenter, November 8, 2023
- *Ask the Credit Reporting Expert*, presenter, November 23, 2023
- *Ask the Credit Reporting Expert*, presenter, August 24, 2023
- *Dispute Best Practices in the Wake of Recent Enforcement Orders*, presenter, July 19, 2023

#### ACA International Presentations

- *Navigating the Complexities of Disputes Management*, co-presenter, March 12, 2025

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- *Navigating Litigation Trends and Tech Risk in ARM Compliance*, co-presenter, November 20, 2024
- *Regulation F, 108 Days Later*, presenter, March 2022
- *Incorporating Regulation F Into Your Training Program*, presenter, November 2021
- *Wi-Fi Cellphone Services and the TCPA*, presenter, July 2017

### Healthcare Administration Management Association

- *Legislation Impacting Medical Billing and Collections, Colorado and Beyond*, presenter, Falling Leaves, Rising Trends Insights for Changing Times seminar 2024 Colorado Association of Healthcare Access Management (COHAM) and American Association of Healthcare Administration Management (AAHAM) Joint Annual Conference, August 28, 2024

### Radiological Business Management Association | Paradigm

- *A Closer Look at Legislation Impacting Medical Billing*, presenter, February 2022

### Healthcare Financial Management Association

- *Patient Interactions and Payment Trends Amidst the Pandemic*, presenter, October 2021
- *The Vendor Management Rut*, presenter, June 2018

### Other Engagements

- *Caselaw and Litigation Update*, presenter, Colorado Bar Association and Continuing Legal Education Collections: From Start to Finish, February 20, 2025

## Professional & Civic

### Bar Associations

- Illinois State Bar Association
- Colorado Bar Association

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### Professional Associations

- ACA International, Inc.
  - Associated Collection Agencies, Inc., past Board Member
- Receivables Management Association International