

01-1635-CD
SEKULA SIGNS CORP. -vs- OIL CITY PA 1192 LIMITED PARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

CLEARFIELD COUNTY
JUDICIAL DISTRICT
46TH

NOTICE OF APPEAL

FROM

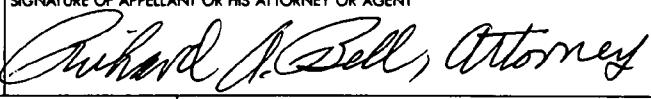
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

01-1635-CO

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
OIL CITY, PA 1192 LIMITED PARTNERSHIP		46-3-01		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
SUITE 400, 2355 S. ARLINGTON HEIGHTS		ARLINGTON HEIGHTS	ILLINOIS	60005-4500
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)			
9/27/01	SEKULA SIGNS CORP OIL CITY PA 1192			
CLAIM NO.	vs. LIMITED PARTNERSHIP			
CV 12 0000332-01 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
 <i>Richard J. Bell, Attorney</i>				
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>				
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>				

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon SEKULA SIGNS CORP, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 01-1635-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Richard J. Bell, Attorney

Signature of appellant or his attorney or agent

RULE: To SEKULA SIGNS CORP, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: Oct. 2, 2001


William A. Shaw

Signature of Prothonotary or Deputy

FILED


 OCT 02 2001
 0113916th Bell pd \$80.00
 William A. Shaw
 Prothonotary
 cc to Atty Bell

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____, on
_____, 19_____. by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on _____, 19_____. by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

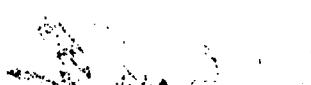
THIS _____ DAY OF _____, 19_____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____

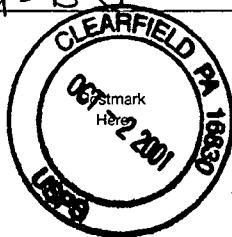


U.S. POSTAL SERVICE
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Patrick N. Ford - D J

Postage	\$.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.44



Recipient's Name (Please Print Clearly) (to be completed by mailer)

Patrick N. Ford - D. J.

Street, Apt. No.; or PO Box No.

309 Maple Ave. PO Box 452

City, State, ZIP+4

Dubois, PA 15801

PS Form 3800, February 2000

See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee a *Return Receipt* may be requested to provide proof of delivery. To obtain *Return Receipt* service, please complete and attach a *Return Receipt* (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate *Return Receipt*, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0016 7879 4932

Sekula Signs Corp

Postage	\$.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.44

OCT - 2 2001
CLEARFIELD PA
Postmark
Here
1888
0988

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Sekula Signs Corp
Street, Apt. No. or PO Box No.
811 S. Brady St. PO Box 395
City, State, ZIP+4
DuBois PA 15801

PS Form 3800, February 2000
See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
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Important Reminders:

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NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.

For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 381) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.

- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

011635-CW

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below:

NAME OF APPELLANT DET. CITY, PA. 1192 D. L. LTD. PARTNERSHIP		MAG. DIST. NO. OR NAME OF D.J. 16-3-01		
ADDRESS OF APPELLANT SUIT 400, 2335 S. ARTHUR HEIGHTS		CITY ARTHUR HEIGHTS	STATE ILLINOIS	ZIP CODE 60004-1000
DATE OF JUDGMENT 5/27/01	IN THE CASE OF (Plaintiff) SEKULA SIGN CORP	(Defendant) DET. CITY, PA. 1192 D. L. LTD. PARTNERSHIP		
CLAIM NO. CV 19 0000582-01	LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

PRAEICE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon 7 RULES RIGHTS CORP., appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 11-16-35-C-1) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To CROWN SIGNS CORP.

Name of annellee/s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: Sept. 3 1930

Signature of Prothonotary or Deputy

I hereby certify this to be a true and attested copy of the original statement filed in this case.

ACT 02 2001

Attest. *William C. Brewster*
Brothman

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD ; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 01-1635-CD, upon the District Justice designated therein on (date of service) 10-2-01, by personal service by (certified) (xxxxxx) mail, sender's receipt attached hereto, and upon the appellee, (name) SEKULA SIGNS CORP, on 10-2-, by (certified) (xxxxxx) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on 10-2-, by (certified) (xxxxxx) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 2nd DAY OF OCTOBER, xx 01

Sandra A. Irwin
Signature of official before whom affidavit was made
Notary Public
Title of official

My commission expires on

NOTARIAL SEAL
SANDRA A. IRWIN, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires, June 3, 2005



Signature of affiant

FILED

OCT 03 2001

011151000

William A. Shaw
Prothonotary

COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
 Address: 309 MAPLE AVENUE
 P.O. BOX 452
 DUBOIS, PA
 Telephone: (814) 371-5321

15801

PATRICK N. FORD
 309 MAPLE AVENUE
 P.O. BOX 452
 DUBOIS, PA 15801

CIVIL CASE
NAME and ADDRESS

PLAINTIFF:
SEKULA SIGNS CORP
 811 S BRADY STREET
 P.O. BOX 395
 DUBOIS, PA 15801

VS.

DEFENDANT:
OIL CITY PA 1192 LIMITED PARTNER.
 SUITE 400
 2355 S ARLINGTON HEIGHTS
 ARLINGTON HEIGHTS, IL 60005-4500

Docket No.: CV-0000332-01
 Date Filed: 7/27/01



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

01-1435-CO

Judgment was entered for: (Name) SEKULA SIGNS CORP

Judgment was entered against: (Name) OIL CITY PA 1192 LIMITED PARTNER.

in the amount of \$ 3,570.00 on: (Date of Judgment) 9/27/01

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

Levy is stayed for _____ days or generally stayed. _____

Objection to levy has been filed and hearing will be held: _____

Amount of Judgment	\$ 3,500.00
Judgment Costs	\$ 70.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 3,570.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

FILED

OCT 08 2001

m/11/31 a.m.

William A. Shaw

Prothonotary

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

9-27-01 Date Patrick N. Ford - PNF, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

COUNTY OF: Clearfield

Mag. Dist. No.: 46-3-01

DJ Name: Hon. District Court 46-3-01
309 Maple Avenue
Address: P.O. Box 452
DuBois, PA 15801

Telephone: (814) 371-5321

PLAINTIFF:

NAME and ADDRESS

Sekula Sign Corporation
811 S. Brady Street
P.O. Box 395
DuBois, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

Oil City PA 1192 Limited Partnership
2355 S. Arlington Heights Road
Suite 400
Arlington Heights, IL 60005-4500

Docket No.: CV 332-01
Date Filed:



	AMOUNT	DATE PAID
FILING COSTS	\$ 70 -	/ /
SERVING COSTS	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 3,500.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Plaintiff prepared and submitted to Defendant a proposal to manufacture a sign in accordance with a design prepared by Plaintiff. The conceptual drawing was copyrighted and owned by Plaintiff. Defendant knew the design of said sign was the property of Plaintiff, nevertheless, Defendant arranged for the construction of a sign for its business in accordance with the design for said sign prepared by Plaintiff. Consequently, Defendant misappropriated Plaintiff's design without compensation and violated the copyright laws of the United States of America and Commonwealth of Pennsylvania.

I, Paul Sekula verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Paul Sekula".

(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: David J. Hopkins, Esquire

Address: 900 Beaver Drive

Telephone: (814) 375-0300

DuBois, PA 15801

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION,
Plaintiff

vs.

No. 2001-1635 C.D.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,

Defendants

Type of Pleading: Complaint

Filed on behalf of: Sekula Sign
Corporation, Plaintiff

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

OCT 17 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION,	:
Plaintiff	:
	:
vs.	:
	No. 2001-1635
	:
OIL CITY PA 1192 LIMITED	:
PARTNERSHIP and ARLINGTON	:
HOSPITALITY, INC.,	:
Defendants	:

NOTICE

To: Defendants

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Amended Complaint is served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Clearfield County Courthouse
Office of the Court Administrator
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 (ext. 5982)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION,	:	
Plaintiff	:	
vs.	:	No. 2001-1635
OIL CITY PA 1192 LIMITED	:	
PARTNERSHIP and ARLINGTON	:	
HOSPITALITY, INC.,	:	
Defendants	:	

COMPLAINT

AND NOW, comes Plaintiff, Sekula Sign Corporation, by and through its attorneys, The Hopkins Law Firm, and says as following:

COUNT I

Sekula Sign Corporation vs. Arlington Hospitality, Inc.

1. Sekula Sign Corporation is a Pennsylvania corporation who maintains a principal business address at 811 South Brady Street, DuBois, Clearfield County, Pennsylvania.
2. Defendant, Oil City PA 1192 Limited Partnership is believed to be a Pennsylvania limited partnership who maintains a principal business address at Suite 400, 2355 South Arlington Heights, Arlington Heights, Illinois 60005-4500.
3. Defendant, Arlington Hospitality, Inc. (formerly Amerihost Properties, Inc.) is believed to be an Illinois corporation who maintains a principal business address at Suite 400, 2355 South Arlington Heights, Arlington Heights, Illinois 60005-4500. The corporation trades on the NASDAQ/MM under the symbol HOST.

4. Plaintiff is in the business of designing and constructing commercial signage throughout the Commonwealth of Pennsylvania and eastern United States.

5. Defendant, Oil City PA 1192 Limited Partnership (hereinafter "Oil City") is the owner of real property and a hotel formerly a Holiday Inn franchise and now known as the Arlington Hotel located in the Commonwealth of Pennsylvania.

6. Defendant, Arlington Hospitality, Inc. (hereinafter "Arlington") is the manager of the hotel owned by Defendant Oil City, formerly a Holiday Inn franchise and now known as the Arlington Hotel.

7. In or about the spring of 2000, agents or employees of Defendant Arlington telephoned Plaintiff's office in DuBois, Pennsylvania, Clearfield County, requesting Plaintiff travel to Oil City, Pennsylvania to design and install sign changes for a Holiday Inn hotel to be changed to the Arlington Hotel.

8. Plaintiff traveled to Oil City, Pennsylvania and met representatives of Defendant Arlington. At the request of Defendant Arlington's agents or employees, Plaintiff returned to DuBois, Pennsylvania and designed signage for the Arlington Hotel, a photocopy of the actual sketch (without color) is attached hereto as Exhibit "A".

9. The signage design prepared by Plaintiff was protected by a common law copyright and constitutes intellectual property of Plaintiff. Set forth on the design diagram provided to Defendant Arlington was the following notice:

NOTICE: This drawing is the property of Sekula Sign Corp. and is loaned only upon the condition that it is not to be copied or reproduced, nor to be used for furnishing information to others or for any other purpose detrimental to the interest of Sekula Sign Corporation.

10. Plaintiff met with agents or employees of Defendant Arlington and presented the signage proposal set forth on Exhibit "A" (with color).

11. Defendant Arlington thereafter converted the property of Plaintiff for its own use and caused its own signage to be installed at the Arlington Hotel using the property of Plaintiff, (see Exhibit "B") without payment to Plaintiff.

12. The actions of Defendant Arlington constitute the tort of conversion.

13. As a result of Defendant's conversion, Plaintiff has suffered damages in the amount of \$3,500.00.

14. Plaintiff incurred District Magistrate fees in the amount of \$70.00 and is entitled to be reimbursed said amount.

15. As a result of converting Plaintiff's property, Plaintiff is entitled to an award of punitive damages in such an amount as the jury may determine to be appropriate in as much as Defendant Arlington's actions were willful, wanton and malicious.

WHEREFORE, Plaintiff demands judgment against Defendant Arlington Hospitality, Inc. for the following:

- a. Compensatory damages;
- b. District Magistrate fees;
- c. Punitive damages in an amount in excess of \$75,000.00;
- d. Cost of suit;
- e. Pre and post judgment interest;
- f. Such other and further relief as the Court deems fair just and equitable.

COUNT II

Sekula Sign Corporation vs. Oil City PA 1192 Limited Partnership

16. Plaintiff repeats the allegations set forth in Count I as if set forth at length herein.
17. In or about the spring of 2000, agents or employees of Defendant Oil City PA 1192 Limited Partnership telephoned Plaintiff's office in DuBois, Pennsylvania, Clearfield County, requesting Plaintiff travel to Oil City, Pennsylvania to design and install sign changes for a Holiday Inn hotel to be changed to the Arlington Hotel.
18. Plaintiff traveled to Oil City, Pennsylvania and met representatives of Defendant Oil City PA 1192 Limited Partnership. At the request of Defendant Oil City's agents or employees, Plaintiff returned to DuBois, Pennsylvania and designed signage for the Arlington Hotel, a photocopy of the actual sketch (without color) is attached hereto as Exhibit "A".
19. The signage design prepared by Plaintiff was protected by a common law copyright and constitutes intellectual property of Plaintiff. Set forth on the design diagram provided to Defendant Oil City was the following notice:

NOTICE: This drawing is the property of Sekula Sign Corp. and is loaned only upon the condition that it is not to be copied or reproduced, nor to be used for furnishing information to others or for any other purpose detrimental to the interest of Sekula Sign Corporation.
20. Plaintiff met with agents or employees of Defendant Oil City and presented the signage proposal set forth on Exhibit "A" (with color).
21. Defendant Oil City thereafter converted the property of Plaintiff for its own use and caused its own signage to be installed at the Arlington Hotel using the property of Plaintiff, (see Exhibit "B") without payment to Plaintiff.

22. The actions of Defendant Oil City constitute the tort of conversion.
23. As a result of Defendant's conversion, Plaintiff has suffered damages in the amount of \$3,500.00.
24. Plaintiff incurred District Magistrate fees in the amount of \$70.00 and is entitled to be reimbursed said amount.
25. As a result of converting Plaintiff's property, Plaintiff is entitled to an award of punitive damages in such an amount as the jury may determine to be appropriate in as much as Defendant Oil City's actions were willful, wanton and malicious.

WHEREFORE, Plaintiff demands judgment against Defendant Oil City PA 1192 Limited Partnership for the following:

- a. Compensatory damages;
- b. District Magistrate fees;
- c. Punitive damages in an amount in excess of \$75,000.00;
- d. Cost of suit;
- e. Pre and post judgment interest;
- f. Such other and further relief as the Court deems fair just and equitable.

COUNT III

Sekula Sign Corporation vs. Arlington Hospitality, Inc.

26. Plaintiff repeats the allegations set forth in Counts I and II as if set forth at length herein.
27. The actions of Defendant Arlington constitute an infringement upon the copyright of Plaintiff entitling Plaintiff to an award of damages.

WHEREFORE, Plaintiff demands judgment against Defendant Arlington Hospitality, Inc. for the following:

- a. Compensatory damages;
- b. District Magistrate fees;
- c. Statutory damages;
- d. Punitive damages in an amount in excess of \$75,000.00;
- e. Cost of suit;
- f. Pre and post judgment interest;
- g. Such other and further relief as the Court deems fair just and equitable.

COUNT IV

Sekula Sign Corporation vs. Oil City PA 1192 Limited Partnership

28. Plaintiff repeats the allegations set forth in Count I, Count II and Count III as if set forth at length herein.

29. The actions of Defendant Oil City PA 1192 Limited Partnership constitute an infringement upon the copyright of Plaintiff entitling Plaintiff to an award of damages.

WHEREFORE, Plaintiff demands judgment against Defendant Oil City PA 1192 Limited Partnership for the following:

- a. Compensatory damages;
- b. District Magistrate fees;
- c. Statutory damages;
- d. Punitive damages in an amount in excess of \$75,000.00;
- e. Cost of suit;

- f. Pre and post judgment interest;
- g. Such other and further relief as the Court deems fair just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by twelve jurors on all issues presented herein.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiff

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

SEKULA SIGN CORPORATION

BY: Paul Sekula, pres.



SCALE: 3/8" = 1'-0"

(2) NEW 12'-0" H X 18'-0" FLEXIBLE FABRIC FACES FOR EXISTING
DOUBLE FACE PYLON SIGN

THE ARLINGTON HOTEL
No. B-8387-01 DATE

SCALE 3/8" = 1'-0"
DRAWN BS
FILE

REVISIONS

© Sekula Sign Corporation
NOTICE: This drawing is the property
of Sekula Sign Corporation and is
only upon the condition that it is not to
be copied or reproduced, nor to be used
for any purpose other than to manufacture
for any other purpose detrimental to
the interests of Sekula Sign Corporation.



SEKULA SIGN
corporation
811 South Brady Street
P.O. Box 395 DuBois, PA 15801
Phone: (814) 371-4850 Fax: (814) 371-8261
www.sekulasigns.com

Exhibit "A"



SCALE: 3/8" = 1'-0"
 (2) NEW 12'-0" H X 18'-0" FLEXIBLE FABRIC FACES FOR EXISTING
 DOUBLE FACE PYLON SIGN

THE ARLINGTON HOTEL
 NO. B-8387-01 DATE 1/1/01

SCALE 3/8" = 1'-0"
 DRAWN B-S
 FILE

REVISIONS

© Sekula Sign Corporation

NOTICE: This drawing is the property
 of Sekula Sign Corporation. It is to be used
 only upon the condition that it is not to be
 copied or reproduced, nor to be used
 for any purpose other than that for which it
 was furnished, or to be sold or given
 to any other person or company.

SEKULA SIGN
 corporation
 811 South Brady Street
 P.O. Box 398 DuBois, Pa. 15801
 Phone: (814) 371-4650 Fax: (814) 371-0261
www.sekulasigns.com



SCALE: 3/8" = 1'-0"

(2) NEW 12'-0" H X 18'-0" FLEXIBLE FABRIC FACES FOR EXISTING
DOUBLE FACE PYLON SIGN

THE ARLINGTON HOTEL

No. B-8387-01 DATE 10/10/01

SCALE 3/8" = 1'-0"	REVISIONS
DRAWN BS,	
FILE	

© Sekula Sign Corporation

NOTICE: This drawing is the property
of Sekula Sign Corporation and
is to be used only upon the condition that it is not to
be copied or reproduced, nor to be used
for any purpose detrimental to the
interests of Sekula Sign Corporation.

SEKULA SIGN
corporation
811 South Brady Street
P.O. Box 393 Dubois, PA 15601
Phone: (814) 371-4650 Fax: (814) 371-0261
www.sekulasigns.com



SCALE: 3/8" = 1'-0"

(2) NEW 12'-0" H X 18'-0" FLEXIBLE FABRIC FACES FOR EXISTING
DOUBLE FACE PYLON SIGN

THE ARLINGTON HOTEL	SCALE 3/8" = 1'-0"	REVISIONS	<p>© Sekula Sign Corporation NOTICE: This drawing is the property of Sekula Sign Corp., and is loaned only upon the condition that it is not to be copied or reproduced, in whole or in part, for furnishing information to others or for any other purpose detrimental to the interests of Sekula Sign Corporation.</p>	
No. B-8387-01	DRAWN BS	FILE	<p>SEKULA SIGN corporation 811 South Brady Street P.O. Box 395 DuBois, PA 15801 Phone: (814) 371-4830 Fax: (814) 371-0261 www.sekulasigns.com</p>	





Exhibit "B"





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION,
Plaintiff

vs. : No. 2001-1635 C.D.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

CERTIFICATE OF SERVICE

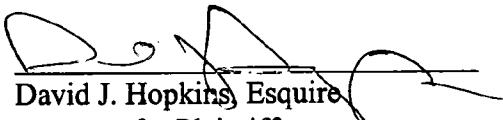
I, the undersigned, hereby certify that a true and correct copy of the Complaint, filed on behalf of Sekula Sign Corporation, was forwarded on the 17th day of October, 2001, by U.S. Mail, postage prepaid, addressed as follows:

By United States Mail, Postage Prepaid

Richard A. Bell, Esquire
Bell, Silberblatt and Wood
318 East Locust Street
Clearfield, PA 16830

By Certified Mail, Return Receipt Requested

Arlington Hospitality, Inc.
Suite 400, 2355 South Arlington Heights
Arlington Heights, IL 60005-4500


David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION
NO. 2001-1635-CD

SEKULA SIGN CORPORATION,
Plaintiff

VS.
OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

APPEARANCE

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SEKULA SIGN CORPORATION,
Plaintiff

vs.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

No. 2001-1635-CD

Type of Pleading
Appearance

Filed on Behalf of:
Defendants

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED
NOV 02 2001
01150170C
William A. Shaw
Prothonotary
EJD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SEKULA SIGN CORPORATION,
Plaintiff

No. 2001-1635-CD

vs.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

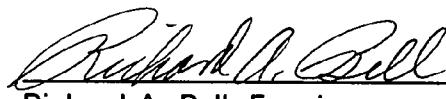
APPEARANCE

TO: Prothonotary

Please enter my Appearance on behalf of the above named Defendants.

BELL, SILBERBLATT & WOOD
BY

Dated: 11-1-01


Richard A. Bell, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SEKULA SIGN CORPORATION,
Plaintiff

No. 2001-1635-CD

vs.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Appearance in the above matter was mailed
the 1 day of November, 2001 by regular mail postage prepaid at the post
office in Clearfield, PA 16830 to the following:

David J. Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801


Richard A. Bell, Esquire
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION, :
Plaintiff :
vs. : No. 2001-1635 C.D.
: :
OIL CITY PA 1192 LIMITED :
PARTNERSHIP and ARLINGTON :
HOSPITALITY, INC., :
Defendants : Type of Pleading: Answer to
: Preliminary Objections
: :
: Filed on behalf of: Sekula Sign
: Corporation, Plaintiff
: :
: Counsel of Record for this party:
: :
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: Supreme Court No. 42519
: :
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
: :
: (814) 375-0300

FILED

NOV 29 2001
m/ll/ncc
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION,
Plaintiff

vs. : No. 2001-1635 C.D.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

ANSWER TO PRELIMINARY OBJECTIONS

AND NOW, comes Plaintiff, Sekula Sign Corporation, by and through its attorneys, The Hopkins Law Firm, and answers the Preliminary Objections of the Defendants as following:

MOTION TO STRIKE

1. Admitted.
2. Denied. Pa.R.C.P. 1021(b) states any pleadings demanding relief for unliquidated damages shall not claim any specific sum. Plaintiff claim did not claim any specific sum, but rather seeks a verdict in excess of Seventy-Five Thousand (\$75,000.00) Dollars.
3. Denied. Plaintiff's Complaint alleges Defendants stole Plaintiff's property. Defendants' acts as set forth in Plaintiff's Complaint justify an award of punitive damages.

WHEREFORE, Defendants' first Preliminary Objection in the nature of a motion to strike should be dismissed with prejudice.

MOTION TO DISMISS

4. Denied. Plaintiff alleged Defendants converted Plaintiff's property. The drawings and intellectual property rights of Plaintiff were converted by Defendants, and therefore, Plaintiff has plead a proper cause of action.

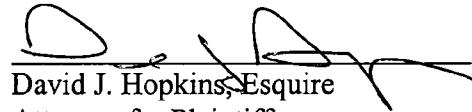
5. Denied. Plaintiff has plead a proper cause of action in conversion which is not preempted by either State or Federal Copyright Act Law.

6. Denied. Plaintiff maintains a common law conversion as a result of the actions of Defendants.

7. Denied. Plaintiff has plead a cause of action which is not prohibited by Section 411 of the United States Code Annotated, title 17. Plaintiff has plead a cause of action viable under the laws of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff demands Defendants' second Preliminary Objection in the nature of a motion to dismiss be denied with prejudice.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION,
Plaintiff

vs.

No.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to
Preliminary Objections, filed on behalf of Sekula Sign Corporation, was forwarded on the
28th day of November, 2001, by U.S. Mail, postage prepaid, addressed as follows:

Richard A. Bell, Esquire
Bell, Silberblatt and Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830


David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION
NO. 2001-1635-CD

SEKULA SIGN CORPORATION,
Plaintiff
vs.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.
Defendants

Preliminary Objections Of
The Defendants To Plaintiff's
Complaint

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW

318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SEKULA SIGN CORPORATION,
Plaintiff

vs.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

No. 2001-1635-CD

Type of Pleading
Preliminary Objections
Of The Defendants To
Plaintiff's Complaint

Filed on Behalf of:
Defendants

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

NOV 02 2001
01150110CC
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SEKULA SIGN CORPORATION,
Plaintiff

No. 2001-1635-CD

vs.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

PRELIMINARY OBJECTIONS OF THE DEFENDANTS
TO PLAINTIFF'S COMPLAINT

Oil City PA 1192 Limited Partnership and Arlington Hospitality, Inc., by their attorney Richard A. Bell, Esquire of Bell, Silberblatt & Wood file the following Preliminary Objections to the Complaint of the Plaintiff.

MOTION TO STRIKE

1. On the demands of Counts I, II, III and IV the Plaintiff has ask for punitive damages in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars.
2. The Defendants move to strike the statement in excess of Seventy-Five Thousand (\$75,000.00) Dollars as PRCP 1021(b) prohibits claiming any specific sum for unliquidated damages.

3. The Defendants also move to strike any claim for punitive damages in the four Counts of the Complaint in that there are no allegations and nothing in the case justifying any award of punitive damages.

MOTIONS TO DISMISS

4. The Defendants move to dismiss Courts I and II of the Complaint which allege conversion by the Defendants of the sign design claimed by the Plaintiff. Pennsylvania Law defines conversion as the deprivation of another's rights of property in or use or possession of a chattel. Black's Law Dictionary defines a chattel as an article of personal property as opposed to real property. A thing personal and moveable.... The Defendants submit that the design claimed by the Plaintiff as such is not a chattel.

5. Defendants move to dismiss Counts I & II for conversion in that they are seeking rights which are equivalent to infringement under the Copyright Act which has preempted the State and Common Law Rights covered by the Act.

6. The Defendants further move to dismiss Counts III & IV which allege an infringement upon the copyright of the Plaintiff because the Act covering copyrights found in title 17 of the United State's Code Annotated has preempted any rights found

under State Law or Common Law which are equivalent to the rights granted in the Copyright Act. The Plaintiff in it's pleading has not sought any redress under the Copyright Act.

7. The Defendants also move to dismiss Counts III & IV as well as Counts I & II because Section 411 of the United State's Code Annotated Title 17 dealing with copyrights provides that there may be no action for infringement of a copy right until there has been registration of the copyright in accordance with Title 17. There is no allegation that the Plaintiff has registered his design under the Copyright Act.

WHEREFORE, the Defendants request that your Honorable Court dismiss the entire Complaint of the Plaintiff as to both Defendants and if the same is not dismissed to strike any claim for punitive damages and to strike any specific sum claimed from the Complaint.

BELL, SILBERBLATT & WOOD
By



Richard A. Bell, Esquire
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SEKULA SIGN CORPORATION,
Plaintiff

No. 2001-1635-CD

vs.

OIL CITY PA 1192 LIMITED
PARTNERSHIP and ARLINGTON
HOSPITALITY, INC.,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of Preliminary Objections Of The Defendants To Plaintiff's Complaint in the above matter was mailed the 1 day of November, 2001 by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

David J. Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801


Richard A. Bell, Esquire
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION, :
Plaintiff :
vs. : No. 2001-1635 C.D.
: :
OIL CITY PA 1192 LIMITED :
PARTNERSHIP and ARLINGTON :
HOSPITALITY, INC., :
Defendants :
: Type of Pleading: Praecipe to Discontinue
: Without Prejudice
: :
: Filed on behalf of Sekula Sign Corporation,
: Plaintiff.
: :
: Counsel of Record for this party:
: :
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: Supreme Court I.D. No. 42519
: :
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
: :
: (814) 375-0300

FILED

MAR 01 2002

**William A. Shaw
Prothonotary**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SEKULA SIGN CORPORATION, :
Plaintiff :
:
vs. : No. 2001-1635 C.D.
:
OIL CITY PA 1192 LIMITED :
PARTNERSHIP and ARLINGTON :
HOSPITALITY, INC., :
Defendants :
:

PRAECIPE TO DISCONTINUE WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly discontinue the above captioned civil action without prejudice.



David J. Hopkins, Esquire

FILED

MAR 01 2002

01/15/02
William A. Shaw
Prothonotary

✓ Cert of Disc to Atty
✓ Cert of Disc to GPO

no cc

Shaw

COPY

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

CIVIL DIVISION

Sekula Signs Corp.

Vs. **No. 2001-01635-CD**
Oil City PA 1192 Limited Partnership

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 1, 2002 marked:

Discontinued Without Prejudice

Record costs in the sum of \$80.00 have been paid in full by David J. Hopkins, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of March A.D. 2002.



William A. Shaw, Prothonotary