

04-685-CD
ALI KOZANOGLU vs. ISMAIL SEZER

Ali Kozanoglu vs. Ismail Sezer
2004-685-CD

CA

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

ALI KOZANOGLU :

-vs-

: No. 04-685-CD

ISMAIL SEZER :

O R D E R

NOW, this 2nd day of August, 2005, it is the
ORDER of this Court that the jury verdict rendered in the
above captioned matter be and is hereby molded to read a
verdict in favor of the Plaintiff in the amount of Two
Thousand Two Hundred Forty-Eight (\$2,248.00) Dollars.

BY THE COURT,

Paul E. Cherry
Judge

FILED ^{6R}
10/20/05 ICC Atty's:
AUG 03 2005 Hopkins
Taladay

William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 03 2005

WILLIAM A. LEE
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ALI KOZANOGLU,
Plaintiff

vs.

ISMAIL SEZER,
Defendant

Type of Case:
Civil Action

No. 04-685-CD

Type of Pleading:

NOTICE OF SERVICE

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:
Matthew B. Taladay, Esq.
Supreme Court No. 49663
S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED NO CC
M 10:55 AM
JUL 27 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

ALI KOZANOGLU, :
Plaintiff :
vs. : No. 04-685-CD
ISMAIL SEZER, :
Defendant :
:

NOTICE OF SERVICE OF
ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES
DIRECTED TO DEFENDANT

This is to certify that on the 26th day of July, 2005, I mailed a copy of Defendant's Answers to Plaintiff's First Set of Interrogatories Directed to Defendant by first class mail, postage prepaid, to:

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



S. Casey Bowers
Attorney for Defendant

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

ALI KOZANOGLU : NO. 04-685-CD
V. :
ISMAIL SEZER :
:

VERDICT SLIP

1. Do you find that Defendant, Ismail Sezer, assaulted and/or committed a battery against Plaintiff, Ali Kozanoglu?

Yes No _____

If you answered yes, proceed to the next question.

If you answered no, proceed to Question 5.

2. Do you find that Ali Kozanoglu's injuries were a direct result of the actions of Ismail Sezer?

Yes No _____

If you answered yes, proceed to the next question.

If you answered no, proceed to Question 5.

3. (a) Is Plaintiff, Ali Kozanoglu, entitled to compensatory damages?

Yes No _____

(b) If so, in what amount? 2418

4. (a) Is Plaintiff, Ali Kozanoglu, entitled to punitive damages?

Yes _____ No

(b) If so, in what amount? _____

5. Was there a contract between Ali Kozanoglu and Ismail Sezer?

Yes No _____

If you answered yes, proceed to the next question.

If you answered no, proceed to the Court Room.

FILED

AUG 03 2005
010396

William A. Shaw
Prothonotary/Clerk of Courts

6. Did Ali Kozanoglu breach the above contract?

Yes X No _____

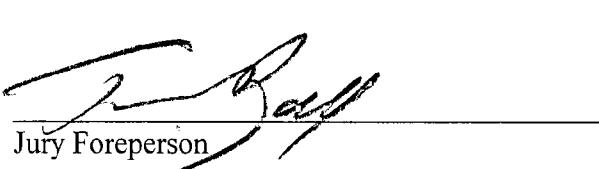
If you answered yes, proceed to the next question.
If you answered no, proceed to the Court Room.

7. (a) Is Ismail Sezer entitled to damages as a result of Ali Kozanoglu's breach of the contract?

Yes X No _____

(b) If so, in what amount? 170

Date: August 2, 2005



Jury Foreperson

INSTRUCTIONS:

Return to Courtroom

COURT OF COMMON PLEAS, CLEARFIELD COUNTY
PENNSYLVANIA

CASE NO. 2004-685-CD

Date of Jury Selection: May 3, 2005

Presiding Judge: Paul E. Cherry, Judge

ALI KOZANOGLU

Court Reporter: Tom Aydler

VS

Date of Trial: August 2, 2005

ISMAIL SEZER

Date Trial Ended: August 2, 2005

MEMBERS OF THE JURY

1. GEORGE PLATZER
2. ELLEN MAGYAR
3. CHRISTINE STRATTAN
4. ANTOINETTE OSTERHOUT
5. LISA SWANSON
6. JULIE COLLINS
- ALT #1 SYLVIA SHERWOOD

7. MARSHA KAIL
8. THOMAS PATRICK
9. CINDY MOHNEY
10. TERESA BALL
11. CARROLL DIXON
12. DONNA MORRIS
- ALT #2 ROXENE WAY

FILED

AUG 03 2005
C 10:30 AM
William A. Shaw
Prothonotary/Clerk of Courts

PLAINTIFF'S WITNESSES:

1. Donald Hopkins, Esq.
2. Ali Kozanoglu
3. Seyen
4. _____
5. _____
6. _____

PLAINTIFF'S ATTY: David J. Hopkins, Esq.

ADDRESS TO JURY: 1:26 P.M

JUDGE'S ADDRESS TO JURY: 1:46

VERDICT: IT - \$2418.00

△ - \$170.00

\$2248.00

DEFENDANT'S WITNESSES:

1. Donald Hopkins, Esq.
2. _____
3. _____
4. _____
5. _____
6. _____

CASEY BOWERS, ESQ

DEFENDANT'S ATTY: Matthew B. Taladay, Esq.

ADDRESS TO JURY: 1:14 PM

JURY OUT: 2:33 JURY IN: 3:25

FOREPERSON: Teresa Ball

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ALI KOZANOGLU, Plaintiff

vs. No. 04-685-CD

ISMAIL SEZER, Defendant

Type of Case:
Civil Action

Type of Pleading:

NOTICE OF SERVICE

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED NO
MAY 10 2005
MAY 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

ALI KOZANOGLU,

Plaintiff

vs.

No. 04-685-CD

ISMAIL SEZER,

Defendant

NOTICE OF SERVICE OF DEFENDANT'S
INTERROGATORIES TO
PLAINTIFF-2nd SET

This is to certify that on the 19th day of May, 2005, I mailed an original and two copies of Defendant's Interrogatories to Plaintiff-2nd Set by first class mail, postage prepaid, to:

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



S. Casey Bowers
Attorney for Defendant

FILED

MAY 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

ALI KOZANOGLU : NO. 04-685-CD

V. :

ISMAIL SEZER :

ORDER

(6K)
FILED acc
04/00/05 Atlys:
APR 22 2005 Hopkins

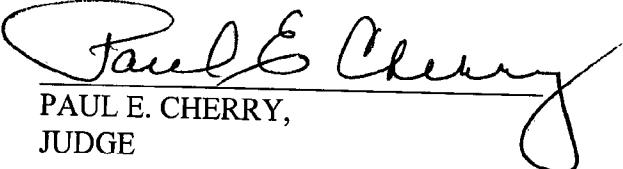
William A. Shaw *Talacky*
Prothonotary/Clerk of Courts

AND NOW, this 21st day of April, 2005, following Pre-Trial Conference, it is the
ORDER of this Court as follows:

1. Jury Selection in this matter is scheduled for May 3, 2005, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for August 2 & 3, 2005, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
4. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days prior to the commencement of trial.
5. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
6. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.

7. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

CK

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

ALI KOZANOGLU, :
Plaintiff :
vs. : No. 04-685 C.D.
ISMAIL SEZER, :
Defendant :
|

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Pre-Trial Statement, filed on behalf of Plaintiff, Ali Kozanoglu, was forwarded on the 15th day of April, 2005, by U.S. Mail, postage prepaid, to:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Hopkins Heltzel LLP


David J. Hopkins, Esquire
Attorney for Plaintiffs

6K
FILED NO
03-26-05
APR 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 18 2005

*William A. Shaw
Prothonotary Clerk of Courts*

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ALI KOZANOGLU, Plaintiff : Type of Case:
Plaintiff : Civil Action

vs. : No. 04-685-CD

ISMAIL SEZER, Defendant : Type of Pleading:
Defendant : **NOTICE OF SERVICE**

Plaintiff : Filed on Behalf of:
Plaintiff : Defendant

Plaintiff : Counsel of Record for This
Plaintiff : Party:
Plaintiff : Matthew B. Taladay, Esq.
Plaintiff : Supreme Court No. 49663
Plaintiff : S. Casey Bowers, Esq.
Plaintiff : Supreme Court No. 89032
Plaintiff : Hanak, Guido and Taladay
Plaintiff : 498 Jeffers Street
Plaintiff : P.O. Box 487
Plaintiff : DuBois, PA 15801
Plaintiff :
Plaintiff : (814) 371-7768

sw
FILED

APR 11 2005
M 10:00 AM
William A. Shaw
Prothonotary/Clerk of Courts

1 cent to ATE

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

ALI KOZANOGLU,

Plaintiff

vs.

No. 04-685-CD

ISMAIL SEZER,

Defendant

NOTICE OF SERVICE OF DEFENDANT'S
FIRST SET OF INTERROGATORIES
DIRECTED TO PLAINTIFF

This is to certify that on the ____ day of April, 2005, I mailed an original and two copies of Defendant's Interrogatories to Plaintiff by first class mail, postage prepaid, to:

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


S. Casey Bowers
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ALI KOZANOGLU,
Plaintiff

-vs-

ISMAIL SEZER,
Defendant

Type of Case:
Civil Action

No. 04-685-CD

Type of Pleading:
Certificate of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

(R)

FILED ^{NO CC}
M 10:48 AM
MAR 10 2005

William A. Shaw
Frothonotary/Clerk of Courts

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

ALI KOZANOGLU,

Plaintiff

-vs-

No. 04-685-CD

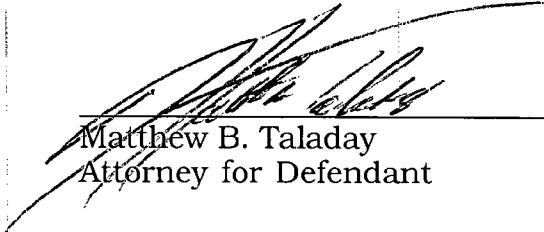
ISMAIL SEZER,

Defendant

CERTIFICATE OF SERVICE

I certify that on the 9th day of March, 2005, an original Notice of Deposition, copy of which is attached, was sent via first class mail, postage prepaid, to the following:

David J. Hopkins, Esq.
Attorney for Plaintiff
HOPKINS HELTZEL LLP
900 Beaver Drive
DuBois, PA 15801


Matthew B. Taladay
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ALI KOZANOGLU,	:	Type of Case:
Plaintiff	:	Civil Action
 -vs-		
ISMAIL SEZER,	:	Type of Pleading:
Defendant	:	Notice of Deposition
 :		
Filed on Behalf of:		
Defendant		
 :		
Counsel of Record for This		
Party:		
Matthew B. Taladay, Esq.		
Supreme Court No. 49663		
Hanak, Guido and Taladay		
498 Jeffers Street		
P.O. Box 487		
DuBois, PA 15801		
 :		
(814) 371-7768		

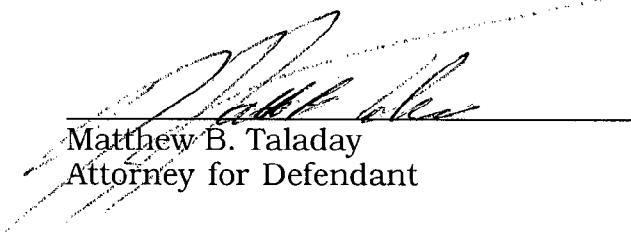
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALI KOZANOGLU, :
Plaintiff :
: :
-vs- : No. 04-685-CD
: :
ISMAIL SEZER, :
Defendant :
:

NOTICE OF DEPOSITION

TO: ALI KOZANOGLU
c/o David J. Hopkins, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Monday, March 14, 2005 at 4:00 p.m.** at the law office of Hanak, Guido and Taladay, 498 Jeffers Street, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay
Attorney for Defendant

cc: Schreiber Reporting Service

FILED

MAR 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

2004-00685-CD

FILED no (X)
of 140/64
MAP 09 2005 (6K)COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTINGWilliam A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

CASE NUMBER	TYPE TRIAL REQUESTED	DATE PRESENTED
		ESTIMATED TRIAL TIME
Date Complaint Filed: May 17, 2004	(X) Jury () Non-Jury () Arbitration	2 1 days/weeks
Ali Kozanoglu		
PLAINTIFF(S)		
Ismail Sezer		
DEFENDANT(S) () Check block if a Minor is a Party to the Case		
ADDITIONAL DEFENDANT(S) ()		
()		

JURY DEMAND FILED BY: DATE JURY DEMAND FILED:
Plaintiff May 17, 2004

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
More than & \$25,000.00	() yes (X) no	N/A

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:



FOR THE PLAINTIFF	TELEPHONE NUMBER
David J. Hopkins, Esquire	(814) 375-0300
FOR THE DEFENDANT	TELEPHONE NUMBER
Matthew B. Taladay, Esquire	(814) 371-7768
FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER

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

ALI KOZANOGLU,

Plaintiff

vs.

No. 04-685 C.D.

ISMAIL SEZER,

Defendant

Type of Pleading: Answer to New Matter
and Answer to Counterclaim

Filed on behalf of: Ali Kozanoglu, Plaintiff.

Counsel of Record for this party:

HOPKINS HELTZEL LLP

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

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED
MAY 25 2004
JUL 16 2004
No. CC

William A. Shaw
Prothonotary/Clerk of Courts

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

ALI KOZANOGLU, :
Plaintiff :
: :
vs. : No. 04-685 C.D.
: :
ISMAIL SEZER, :
Defendant :
:

ANSWER TO NEW MATTER

AND NOW, comes Plaintiff, Ali Kozanoglu, by and through his attorneys, Hopkins Heltzel LLP and answers the New Matter of the Defendant as follows:

15. No answer is required of this paragraph.
16. Admitted in part and denied in part. Plaintiff admits an encounter with Defendant at the Sheetz facility in Falls Creek. Plaintiff denies any discussions concerning money. Rather, Defendant attacked Plaintiff without warning or provocation.
17. Denied. There were no discussions between Plaintiff and Defendant prior to the attack by Defendant upon Plaintiff.
18. Denied. There were no discussions between Plaintiff and Defendant prior to the attack by Defendant upon Plaintiff.
19. No answer is required of this paragraph.
20. No answer is required of this paragraph.

WHEREFORE, Plaintiff demands judgment dismissing Defendant's new matter, with prejudice.

ANSWER TO COUNTERCLAIM

AND NOW, comes Defendant in the Counterclaim, Ali Kozanoglu, by and through his attorneys, Hopkins Heltzel LLP, and answers the Counterclaims of Ismail Sezer as follows:

21. No answer is required.
22. Admitted.
23. Admitted.
24. Denied. Ali Kozanoglu paid Ismail Sezer for the air tank prior to April 2004 and no money is due from Kozanoglu to Sezer.

WHEREFORE, Defendant on the Counterclaim, Ali Kozanoglu, demands judgment in his favor dismissing the Counterclaim of Ismail Sezer.

Respectfully submitted,

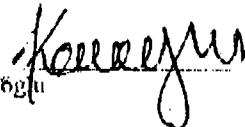
HOPKINS HELTZEL, LLP



David J. Hopkins, Esquire
Attorney for Ali Kozanoglu

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.


Ali Kozanoglu

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

ALI KOZANOGLU, :
Plaintiff :
: vs. : No. 04-685 C.D.
: :
ISMAIL SEZER, :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Answer to New Matter and Answer to Counterclaim, filed on behalf of Ali Kozanoglu, forwarded by first class mail, postage prepaid, on the 15th day of July, 2004, to all counsel of record, addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
493 Jeffers Street
P.O. Box 487
DuBois, PA 15801



David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ALI KOZANOGLU,
Plaintiff

-vs-

ISMAIL SEZER,
Defendant

Type of Case:
Civil Action

No. 04-685-CD

Type of Pleading:
Answer, New Matter
and Counterclaim

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

JUN 25 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ALI KOZANOGLU,

Plaintiff

-vs-

No. 04-685-CD

ISMAIL SEZER,

Defendant

ANSWER

AND NOW, comes the Defendant, Ismail Sezer, by his attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiff's Complaint as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied. To the contrary, Plaintiff provoked and taunted Defendant while using insulting, vulgar and obscene language in response to Defendant's inquiry about monies owed by Plaintiff.

6. Denied as stated. It is believed that Plaintiff requested to be taken to DuBois Regional Medical Center despite the lack of any injuries requiring any medical treatment for the sole purpose of exaggerating his claim against Defendant.

7. Denied.

8. Denied.

9. Denied, as more fully set forth in New Matter hereto.

10. Denied, in accordance with Pa.R.C.P. Rule 1029(e).

11. Denied.
12. Defendant denies any liability to Plaintiff and further denies causing Plaintiff any injury.
13. Denied. To the contrary, Plaintiff lost no work or income as a result of any actions of Defendant.
14. Denied. The actions of Defendant in slapping the Plaintiff twice on his left cheek were justified by the vulgar, insulting and reprehensible provocations of Plaintiff and are not the basis for an award of punitive damages.

WHEREFORE, Defendant demands judgment in his favor.

NEW MATTER

15. The responses to Plaintiff's Complaint, paragraphs 1 through 14, are incorporated herein by reference as if set forth in full.

16. On or about April 1, 2004, the Defendant, Ismail Sezer, encountered the Plaintiff at the Sheetz facility in Falls Creek, Pennsylvania, and inquired as to monies owed to Defendant by Plaintiff.

17. In response to Defendant's inquiry, the Plaintiff loudly and angrily insulted the Defendant, cursing the Defendant, his wife, his children and his family and using vulgar, offensive and obscene language which in the culture of Plaintiff and Defendant constitutes a challenge to fight.

18. Defendant responded to Plaintiff's challenge by slapping Plaintiff with Defendant's open hand twice on the left cheek.

19. Defendant has suffered no injury resulting in physical impairment, loss of earning capacity or other economic loss proximately caused or necessitated by Defendant's action.

20. The Defendant's claims of injury or disability, if any, are the result of other incidents or accidents unrelated to the present claim.

WHEREFORE, Defendant demands judgment in his favor.

COUNTERCLAIMS

AND NOW, comes the Plaintiff in Counterclaim, Ismail Sezer, by his attorneys, Hanak, Guido and Taladay, and hereby brings the within counterclaim against Plaintiff.

Count I - Breach of Contract

21. Paragraphs 1 through 14 of Defendant's response to Plaintiff's Complaint and paragraphs 15 through 20 of Defendant's New Matter are incorporated herein by reference.

22. In or about January, 2004, the Defendant, Ismail Sezer, at the request of Plaintiff purchased and transported from Ohio to Long Island an air tank required by the Plaintiff in his trucking business.

23. The Defendant purchased this air tank with his own funds in the amount of \$174.00.

24. Ismail Sezer has repeatedly requested repayment of the monies expended for purchase of this item, but despite these requests, the Plaintiff has failed or refused to make payment.

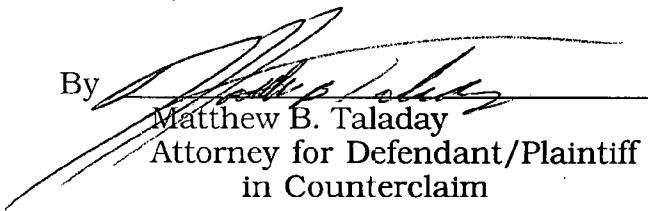
WHEREFORE, Defendant demands judgment against Plaintiff in an amount of \$174.00, plus interest, Court costs, interest,

counsel fees and such other relief as the Court may deem appropriate.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By



Matthew B. Taladay

Attorney for Defendant/Plaintiff
in Counterclaim

VERIFICATION

I, ISMAIL SEZER, do hereby verify that I have read the foregoing Answer, New Matter and Counterclaim. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 6-21-04

Ismail Sezer
Ismail Sezer

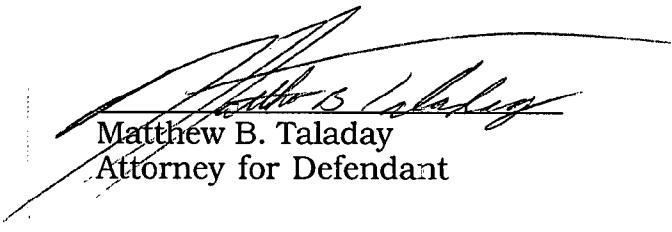
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALI KOZANOGLU, :
Plaintiff :
: :
-vs- : No. 04-685-CD
: :
ISMAIL SEZER, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 23rd day of June, 2004, a true and correct copy of the foregoing ANSWER, NEW MATTER and COUNTERCLAIM was sent via first class mail, postage prepaid, to the following:

David J. Hopkins, Esq.
Attorney for Plaintiff
HOPKINS HELTZEL LLP
900 Beaver Drive
DuBois, PA 15801


Matthew B. Taladay
Attorney for Defendant

FILED NO
MAY 10 2004
JUN 25 2004
cc

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ALI KOZANOGLU,
Plaintiff

-vs-

ISMAIL SEZER,
Defendant

Type of Case:
Civil Action

No. 04-685-CD

Type of Pleading:
Praecipe for Entry
of Appearance

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

JUN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ALI KOZANOGLU,

Plaintiff

-vs-

No. 04-685-CD

ISMAIL SEZER,

Defendant

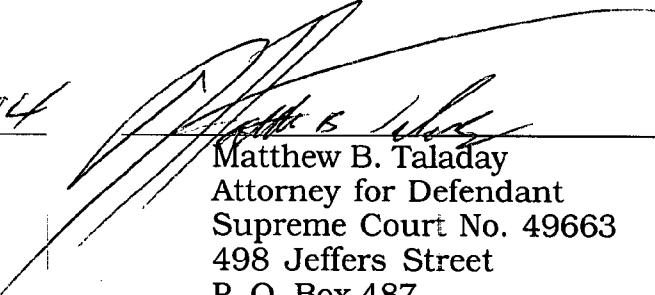
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendant, Ismail Sezer, in the above captioned matter.

Dated:

6-21-04


Matthew B. Taladay
Attorney for Defendant
Supreme Court No. 49663
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

cc: David J. Hopkins, Esq.
Hopkins Heitzel, LLP
900 Beaver Drive
DuBois, PA 15801

FILED NO CC
MAY 14 2004
JUN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ALI KOZANOGLU, :
Plaintiff :
vs. : No. 04-685-C.D
ISMAIL SEZER, :
Defendant : Type of Pleading: Complaint
: Filed on behalf of: Ali Kozanoglu, Plaintiff.
: Counsel of Record for this party:
: HOPKINS HELTZEL LLP
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: Supreme Court No. 42519
: LEA ANN HELTZEL, ESQUIRE
: Attorney at Law
: Supreme Court No. 83998
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
: (814) 375-0300

FILED

MAY 17 2004

William A. Shaw
Prothonotary

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

ALI KOZANOGLU, :
Plaintiff :
:
vs. : No.
:
ISMAIL SEZER, :
Defendant :
:

NOTICE

TO: Defendant

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.

Office of the Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 (ext. 5982)

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

ALI KOZANOGLU, :
Plaintiff :
vs. : No.
ISMAIL SEZER, :
Defendant :
:

COMPLAINT

AND NOW, comes Plaintiff, Ali Kozanoglu, by and through his attorneys, Hopkins Heltzel LLP, and avers the following:

1. Plaintiff, Ali Kozanoglu, is an adult individual who resides at 26 – H Country Club Drive, Coram, New York 11727.
2. Defendant, Ismail Sezer, is an adult individual who resides at 486 Michigan Street, Ronkonkoma, New York 11779.
3. Plaintiff and Defendant are owners/operators of different unrelated trucking companies.
4. On April 1, 2004, Plaintiff was seated in a Sheetz mini market located at the intersection of Route 219 and 830 in the County of Clearfield, Commonwealth of Pennsylvania.
5. Without cause nor provocation, Defendant commenced a vicious attack upon Plaintiff striking Plaintiff in the head repeatedly while accusing Plaintiff of taking a trucking business away from the Defendant.

6. As a result of the assault and battery upon Plaintiff, Plaintiff suffered injuries and was taken by ambulance service to the DuBois Regional Medical Center where he received emergency care.

7. As a result of the assault and battery upon Plaintiff, Plaintiff has suffered, and will suffer in the future, great pain, agony, and inconvenience.

8. As a result of the assault and battery upon Plaintiff, Plaintiff will suffer a reduction in his earning power.

9. As a result of the assault and battery upon Plaintiff, Plaintiff has incurred, and will in the future incur, expenses for medical treatment in an amount not yet ascertained.

10. As a result of the assault and battery upon Plaintiff, Plaintiff has suffered loss in the quality of his life.

11. As a result of the assault and battery upon Plaintiff, Plaintiff has suffered serious injuries within the meaning of Commonwealth of Pennsylvania statutes.

12. Defendant, Ismail Sezer, is liable for Plaintiff's injuries described herein, inasmuch as Plaintiff's injuries are the direct, proximate result of Defendant's attack upon Plaintiff.

13. As a result of the attack by Defendant upon Plaintiff, Plaintiff was unable to attend his usual duties and suffered loss of work and income.

14. The actions of the Defendant constitute an intentional tort and are so willful, wanton and vicious as to entitle Plaintiff to an award of punitive damages.

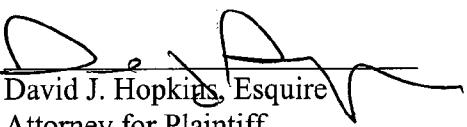
WHEREFORE, Plaintiff prays the Honorable Court enter judgment in favor of Plaintiff, Ali Kozanoglu, and against Defendant, Ismail Sezer, for compensatory

damages, punitive damages, cost of suit, post and pre judgment interest and such other and further relief as the Court deems fair, just and equitable.

DEMAND FOR JURY TRIAL

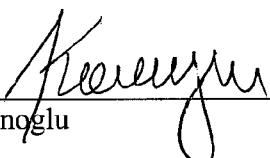
Plaintiff demands a trial by twelve jurors on all issues presented herein.

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.



Ali Kozanoglu

FILED
M 118492 UC to Alter
P.D. 86.00
MAY 17 2004

William A. Shaw
Prothonotary

Date: 05/26/2005

Time: 10:38 AM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2004-00685-CD

Current Judge: Paul E. Cherry

Ali Kozanoglu vs. Ismail Sezer

Civil Other

Date	Judge
05/17/2004 ✓ ✓ Filing: Civil Complaint Paid by: Hopkins, David J. (attorney for Kozanoglu, Ali) Receipt number: 1879176 Dated: 05/17/2004 Amount: \$85.00 (Check) 2 CC to Atty.	No Judge
06/22/2004 ✓ ✓ Praeclipe For Entry of Appearance, filed by Atty. Taladay. No cc.	No Judge
06/25/2004 ✓ ✓ Answer and New Matter and Counterclaim filed by Atty. Taladay no cert.	No Judge
07/16/2004 ✓ ✓ Answer to New Matter and Answer to Counterclaim, filed by Atty. Hopkins. no Cert.	No Judge
03/09/2005 ✓ ✓ Certificate of Readiness, filed by s/ David J. Hopkins. no cc	No Judge
03/10/2005 ✓ ✓ Certificate of Service, filed by Atty. Taladay no cert. copies. Served original Notice of Deposition upon Atty. Hopkins.	No Judge
04/12/2005 ✓ ✓ Notice of Service of Defendants First Set of Interrogatories Directed to Plaintiff filed by C. Bowers. 1 CC to Atty	No Judge
04/18/2005 ✓ ✓ Certificate of Service, copy of the Pretrial Statement , on the 15th day of April, 2005 to Matthew B. Taladay, Esquire. Filed by s/ David J. Hopkins, Esquire. No CC	Paul E. Cherry
04/22/2005 ✓ ✓ Order, AND NOW, this 21st day of April, 2005, following Pre-Trial Conference, it is the ORDER of this Court as follows: Jury Selection is scheduled for May 3, 2005, beginning at 9:00 a.m. in Courtroom No. 2. Trial is scheduled for August 2&3, 2005 beginning at 9:00 a.m. in Courtroom No. 2. (see original for further details of Order). BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Attys: Hopkins, Taladay	Paul E. Cherry
05/20/2005 ✓ ✓ Notice of Service of Defendant's Interrogatories to Plaintiff-2nd Set, original Paul E. Cherry and two copies served upon David J. Hopkins, Esq. Filed By S. Casey Bowers, Atty. No CC	