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Court of Common Pleas

ANSWER AND COUNTERCLAIM \$75
August 27, 2022 18:25

By: ROBERT A. WOOD 0031620

Confirmation Nbr. 2637943

JOHN KAFANTARIS

CV 22 965075

vs.

CLE SIGNS, LLC., ET AL.

Judge: KELLY ANN GALLAGHER

Pages Filed: 6

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

JOHN KAFANTARIS,)	CASE NO. CV-22-965075
)	
)	
Plaintiff,)	
)	JUDGE KELLY ANN GALLAGHER
-vs.-)	
)	
)	
CLE SIGNS, LLC, et al,)	ANSWER AND COUNTERCLAIM
)	
Defendants.)	

Now come the Defendants, CLE Signs, LLC (“CLE”) and Christian Gnizak (“Gnizak”), (collectively “Defendants”) by and through counsel, and for their Answer to the Complaint state as follows:

1. Defendants deny the allegations of paragraph 1 for lack of knowledge and/or belief.
2. Paragraphs 2 and 3 are admitted.
3. Paragraphs 4 and 5 are legal arguments that do not require a response, but to the extent any response is required they are denied.
4. Defendants admit the allegations of paragraph 6 insofar as they allege that Defendants maintain a place of business at 4399 State Road, Cleveland, but deny the balance of the allegations.
5. Paragraphs 7 and 8 are denied.

COUNT ONE

6. Paragraphs 10, 11, 12, 13, 14, 15, 16, 17 and 18 are denied.

COUNT TWO

7. Paragraphs 2, 3, 4, 5, 6, 7 and 8 are denied.

AFFIRMATIVE DEFENSES

8. Plaintiff has failed to state a claim upon which relief can be granted.
9. Plaintiff failed to name necessary or indispensable parties pursuant to Civ. R. 19.
10. Plaintiff has failed to mitigate his damages.
11. Plaintiff's claim is barred by his own contributory and/or comparative negligence.
12. Any injury suffered by Plaintiff was caused by his own actions or omissions by trespassing in restricted areas of the premises in violation of ORC Sec. 2911.21(A)(3).
13. Any alleged injuries or damages to Plaintiff are set off by Defendant Gnizak's damages resulting from Plaintiff's trespass and the resultant emotional distress and mental anguish arising from the incident with Defendant Gnizak's dog.
14. Defendants reserve the right to add to their Answer and Counterclaim and to rely on all Affirmative Defenses as may hereafter be disclosed by way of discovery.

WHEREFORE, Defendants pray for judgment dismissing Plaintiff's claims with prejudice, at Plaintiff's costs.

COUNTERCLAIM

For their Counterclaim against Plaintiff, CLE Signs, LLC (“CLE”) and Christian Gnizak allege as follows:

1. CLE owns real property situated at 4399 State Road, Cleveland, Ohio (the “Premises”), where it conducts a business designing and making signs for various purposes.
2. Gnizak is an employee of the business.
3. John Kafantaris (“Kafantaris”) is a long-term customer of the business and is intimately familiar with the protocols in place regarding where customers are supposed to remain while doing business at the establishment.
4. A sign is prominently displayed at the counter on the Premises stating:
“WARNING – DO NOT TOUCH DOGS. NO CUSTOMERS PERMITTED PAST COUNTER – NOT RESPONSIBLE FOR INJURY OR DEATH.”
5. On or about January 14, 2022, Kantafaris entered onto the Premises, initially as a business invitee.
6. Neither Gnizak nor any other employee of the business was at the counter at the time Kantafaris came in.
7. Gnizak was in a garage at the back of the building at that time.
8. In complete disregard for the instructions posted to remain in front of the counter, Kantafaris unlatched a chain and went behind the counter into an adjoining room where Gnizak’s dog was sleeping.
9. By doing so, Kantafaris startled the dog by possibly stepping on the dog’s

leg.

10. The dog barked, attracting the attention of Gnizak.
11. Gnizak immediately entered the room and asked Kantafaris what happened.
12. Kantafaris stated that he may have scared the dog and that the dog “may” have bitten him.
13. When Gnizak pressed him further about the alleged bite, Kantafaris stated, “I don’t know.”
14. At that time, Kantafaris displayed no signs of distress and apologized for disturbing the dog.
15. Gnizak observed no marks or scratches on Kantafaris’s face at this initial confrontation.
16. Kantafaris then announced that he “had to take a call” and went outside.
17. A few minutes later Kantafaris came in and Gnizak observed several scratches on his nose and slight bleeding.
18. When asked by Gnizak what happened outside, Kantafaris stated that the scratches were from being bitten by the dog.
19. After some additional discussions regarding the work that Kantafaris wanted done on his vehicles, Kantafaris left the Premises.
20. Kantafaris returned to the shop several days later to drop off vehicles for sign work.
21. At that time a discussion was had about the prior incident, and Kantafaris stated that he “probably startled the dog” and it was his fault

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