

THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALLEN SYKALUK)	CASE NO. CV-23-562091
Plaintiff,)	
v.)	
)	
DR. MARK STARK)	JUDGE KELLY A. GALLAGHER
Defendant.)	
)	<u>DEFENDANT DR. MARK</u>
)	<u>STARK'S ANSWER</u>
)	
)	
)	
)	Jury Demand Endorsed Hereon

Now comes the Defendant, by and through counsel, and alleges as follows for the Answer:

1. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 1 of Plaintiff's Complaint, and thus denies such allegations.
2. Defendant admits the allegations in paragraph 2 of Plaintiff's Complaint.
3. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 3 of Plaintiff's Complaint, and thus denies such allegations.
4. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 4 of Plaintiff's Complaint, and thus denies such allegations.
5. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 5 of Plaintiff's Complaint, and thus denies such allegations.
6. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 6 of Plaintiff's Complaint, and thus denies such allegations.
7. Paragraph 7 is one requiring no answer

8. Defendant admits the statements in paragraph 8 alleging that Allen Sykaluk Defendant's place of work at University Hospital Main Campus while Defendant was on shift on or about February 1, 2023.
9. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 9 of Plaintiff's Complaint, and thus denies such allegations.
10. Defendant does not recall the truth or falsity of the allegations in paragraph 10 of Plaintiff's Complaint, and thus denies such allegations.
11. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 11 of Plaintiff's Complaint, and thus denies such allegations.
12. Defendant denies each and every allegation in paragraph 12 of Plaintiff's Complaint.
13. Defendant denies each and every allegation in paragraph 12 of Plaintiff's Complaint.
14. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 14 of Plaintiff's Complaint, and thus denies such allegations.
15. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 15 of Plaintiff's Complaint, and thus denies such allegations.
16. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 16 of Plaintiff's Complaint, and thus denies such allegations.
17. Defendant is without knowledge as to the truth or falsity of the allegations in paragraph 17 of Plaintiff's Complaint, and thus denies such allegations.
18. Defendant denies each and every allegation in paragraph 18 of Plaintiff's Complaint.

19. Defendant denies each and every allegation in paragraph 19 of Plaintiff's Complaint.
20. Defendant denies each and every allegation in paragraph 20 of Plaintiff's Complaint.
21. Defendant denies each and every allegation in paragraph 21 of Plaintiff's Complaint.
22. Defendant specifically denies each and every allegation in Plaintiff's Complaint not specifically admitted.

FIRST AFFIRMATIVE DEFENSE

23. The court lacks jurisdiction over the subject matter of the Complaint.

SECOND AFFIRMATIVE DEFENSE

24. The court lacks jurisdiction over the person(s) named in this Complaint.

THIRD AFFIRMATIVE DEFENSE

25. Plaintiff has filed this Complaint in a county which is not proper for venue under Civil Rule 3 (B)

FOURTH AFFIRMATIVE DEFENSE

26. Plaintiff has failed to provide sufficiency of process.

FOURTH AFFIRMATIVE DEFENSE

27. Plaintiff has failed to provide sufficiency of process.

SIXTH AFFIRMATIVE DEFENSE

28. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SEVENTH AFFIRMATIVE DEFENSE

29. Plaintiff has failed to join indispensable parties under Rule 19 and 19.1

WHEREFORE, having fully answered, Defendant prays that the Plaintiff's Complaint against her be dismissed with prejudice at Plaintiff's costs, an award of attorney fees and all other relief, legal or equitable, to which they are entitled, be granted.

Respectfully Submitted,
THE ROHLKE LAW FIRM, LLC
By: /s/Paulina Rohlke 0051998
PAULINA ROHLKE (0051998)
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ATTORNEY FOR DEFENDANT
DR. MARK STARK

JURY DEMAND

Defendant hereby demands a trial by jury.

By: /S/ Paulina Rohlke 0051998
PAULINA ROHLKE (0051998)
ATTORNEY FOR DEFENDANT
DR. MARK STARK

CERTIFICATE OF SERVICE

A copy of the foregoing was sent e-filed this 23rd day of June 2023 to:

Axel Sykaluk (0021968)
Axel@Sykaluklaw.com
ATTORNEY FOR PLAINTIFF

By: /s/ Paulina Rohlke
PAULINA ROHLKE (0051998)
ATTORNEY FOR DEFENDANT
DR. MARK STARK