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| County Court, Boulder County, Colorado 1777 Sixth Street Boulder, Colorado 80306 303-441-3750 | COURT USE ONLY |
| THOMAS WIERDSMA, Plaintiff/Counterclaim Defendant. v. BEATRIX SZEREMI, Defendant/Counterclaim and Crossclaim Plaintiff. v. CHARLES WIERDSMA, Defendant/Crossclaim Defendant | |
| John Kenneth Pineau, #24736 Law Offices of John Kenneth Pineau, P.C. Attorney for Beatrix Szeremi 2305 Broadway Boulder, CO 80304 Phone Number: 303-440-4444 Fax Number: 303-449-2198 johnpineau@yahoo.com | |
| BEATRIX SZEREMI'S VERIFIED COUNTERCLAIMS, CROSSCLAIMS, AND JURY TRIAL DEMAND | |

COMES NOW Beatrix Szeremi through her attorney, The Law Offices of John Kenneth Pineau, P.C., and submits her Counterclaims, Crossclaims, and Jury Trial Demand, and hereby incorporates her answer and affirmative defenses which have been filed as a separate pleading.

GENERAL ALLEGATIONS

1. The counterclaim and crossclaim plaintiff, Beatrix Szeremi, is, and at all times relevant to this action was, a resident of the city and county of Boulder, State of Colorado. Ms. Szeremi is an adult, over the age of eighteen.
2. The counterclaim defendant, Thomas Wierdsma, is a landlord who does business in, holds real property in, and has entered into contracts in the city and county of Boulder. Further, Thomas Wierdsma elected to submit himself to the jurisdiction of this Court by filing his complaint in this action against Ms. Szeremi and his son Charles Wierdsma. Thomas Wierdsma is believed to reside in Boca Raton, Florida, where he is a senior vice president of The GEO Group, Inc.
3. Thomas Wierdsma is the father of Charles Wierdsma. Charles Wierdsma has been arrested and charged as a result of a long history of domestic violence against his wife Beatrix Szeremi. A new arrest warrant has been issued against him for felony domestic violence charges. The victim is Ms. Szeremi. Thomas Wierdsma is also alleged to have a history of domestic violence.

4. Crossclaim defendant, Charles Wierdsma, is a resident of the city and county of Boulder, State of Colorado. Mr. Wierdsma is an adult, over the age of eighteen. Thomas Wierdsma has sued his son Charles Wierdsma as his landlord.

5. The domestic violence committed by Charles Wierdsma against Beatrix Szeremi began as early as 2010. Charles Wierdsma's violent assaults of Beatriz Szeremi required her to go to an emergency room in Florida in May of 2010, occurred while he was illegally driving while on Boulder County probation for an alcohol offense, led to a forced abortion in March of 2011, and an attempted drowning of Ms. Szeremi in April 2011. His conduct in the last year also includes choking her around the neck and falsely imprisoning her. After he beat Ms. Szeremi in May 2011, he was arrested for assault. Exhibit 1, Boulder Police Report and Photographs.

6. Plaintiff has been told by a Detective Gardner of the Boulder Police Department that Charles Wierdsma will be arrested again in the immediate future on new felony domestic violence charges.

7. As a result of Charles Wierdsma first arrest for domestic violence, he, his family, and associates were prohibited from contacting or harassing Beatrix Szeremi on or about May 29, 2011. Exhibit 2, No Contact Condition of Bond.

8. Ms. Szeremi also secured a Temporary Restraining Order on June 8, 2011, from the Boulder County Court. On June 21, 2011, the T.R.O. was extended by Judge Sierra for another 120 days so that it could be incorporated into Ms. Szeremi's pending divorce case. See Exhibit 3, TRO.

9. After the protective orders were in place prohibiting Charles Wierdsman from contacting Ms. Szeremi, Charles's father, Thomas Wierdsma began contacting, harassing, and threatening Ms. Szeremi. Exhibit 4

10. June 6, 2011, counsel for Ms. Szeremi advised Thomas Wierdsma in writing that his contact with Ms. Szeremi should be discontinued in order to avoid violating the Court's Orders and that future contact should occur through counsel.

As you may know it is a violation of Charles' No Contact Order, for a third party to contact Beatrix on behalf of Charles. Your text message regarding evicting Beatrix could be construed as pressuring Beatrix on Charles' behalf with respect to the dissolution or marriage. To avoid any confusion regarding communications to Beatrix, including the house, it would be best that all communications from you be addressed to me and I will relay information to Beatrix as appropriate." See Exhibit 5, Counsel's Email to Thomas Wierdsma.

11. Thomas Wierdsma continued to contact Ms. Szeremi and advised her that he would be evicting her and reporting her to authorities on sham charges. On June 22, he called her and left a voice mail stating his intent. On June 21, 2011 he emailed her:

Beatrix, Should I send eviction notices to you or your attorney? Not sure who is representing you for this matter. I understand that you currently have no plans to move out of our home. I will be copying the Department of Homeland Security, Immigration and Customs Enforcement with this and other information. As you know I funded the legal work and processing fees for you to become a citizen, but am now disappointed in your actions which now require legal proceedings. Exhibit 6, Wierdsma's Email.

12. Thomas Wierdsma's threats and/or actions against Ms. Szeremi are intended solely to retaliate, intimidate, harass, and distress Ms. Szeremi who he knows to be a witness in a criminal case(s) against his son.

13. His threats and/or actions with regard to the Department of Homeland Security, and I.C.E., etc. are also intended solely to retaliate, intimidate, harass, and distress Ms. Szeremi who he knows to be a witness in a criminal case against his son.

14. Specifically his threats and attempts to trigger a sham deportation proceeding against Ms. Szeremi is designed by him to interfere with her ability to testify against his son. It is important to note that Thomas Wierdsma is a high ranking officer in the GEO Group, Inc., a private prison corporation, formerly known as Wackenhut, a company with direct involvement with detention and deportation. Exhibit 7.

15. Without the proper grounds, and using improper procedure, Thomas Wierdsma brought a meritless claim for eviction against Ms. Szeremi. See his complaint for eviction.

16. On information and belief Thomas Wierdsma conspired with Charles Wierdsma to inflict their misconduct on Ms. Szeremi because she had the courage to report Charles' continual violent abuse.

17. Ms. Szeremi's fear and distress over Thomas Wierdsma is exacerbated by the fact that when she sought help in dealing with Charles Wierdsma's abuse, Thomas Wierdsma's wife confided to Ms. Szeremi that she had also suffered a long history of physical violence at the hands of Thomas Wierdsma.

18. In addition to committing assault and battery, Charles Wierdsma falsely imprisoned Ms. Szeremi on numerous occasions by not allowing her to leave the room that he occupied.

19. Charles Wierdsma has also continued to make contact with Ms. Szeremi in violation of the Court's orders, most recently on July 7, 2011, on Facebook. Exhibit 8.

20. The damages Thomas and Charles Wierdsma have inflicted on Ms. Szeremi exceed the jurisdiction of the County Court. This matter must proceed in the Boulder County District Court.

21. All the conduct described occurred within the last two years. The conduct which forms the basis of Ms. Szeremi's counts of Assault, Battery, and False Imprisonment occurred within the last one year.

COUNT ONE

Victim Intimidation and Retaliation, Pursuant to CRS 18-8-708
(Against Thomas Wierdsma)

22. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and cross claim.

23. Ms. Szeremi has testified and will testify as a victim in Charles Wierdsma's criminal case(s), the restraining order proceeding, in her divorce proceedings, and in her counterclaims and cross claims. She will testify as a witness and a victim to a crime.

24. She has suffered retaliation as a witness and victim from Thomas Wierdsma because he has used threats, harassment, and acts of harm to her person and property, which were directed against her as a witness for a crime when Thomas Wierdsma knew that she would be called to testify as a witness and victim in his son's criminal case and Thomas Wierdsma did this against her as retaliation, retribution and tampering.

25. Ms. Szeremi is entitled by C.R.S. 18-8-708 to an award of treble damages and attorney fees.

26. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, costs, and fees.

COUNT TWO

Negligence Per Se: Retaliation Against a Witness or Victim Pursuant to C.R.S. 18-8-706; Tampering with a Witness or Victim Pursuant to C.R.S. 18-8-707; and Harassment Pursuant to C.R.S. 18-9-111
(Against Thomas Wierdsma)

27. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and cross claim.

28. At the time of the occurrences in question, the following statutes of the state of Colorado were in effect:

Title 18, CRIMINAL CODE

§ 18-8-706. Retaliation Against a Witness or Victim

(1) An individual commits retaliation against a witness or victim if such person uses a threat, act of harassment as defined in section 18-9-111, or act of harm or injury upon any person or property, which action is directed to or committed upon a witness or a victim to any crime, an individual whom the person believes has been or would have been called to testify as a witness or victim, a member of the witness' family, a member of the victim's family, an individual in close relationship to the witness or victim, an individual residing in the same household with the witness or victim, as retaliation or retribution against such witness or victim.

(2) Retaliation against a witness or victim is a class 3 felony.

§ 18-8-707. Tampering With a Witness or Victim

(1) A person commits tampering with a witness or victim if he intentionally attempts without bribery or threats to induce a witness or victim or a person he believes is to be called to testify as a witness or victim in any official proceeding or who may be called to testify as a witness to or victim of any crime to:

(a) Testify falsely or unlawfully withhold any testimony; or

(b) Absent himself from any official proceeding to which he has been legally summoned; or

(c) Avoid legal process summoning him to testify.

(2) Tampering with a witness or victim is a class 4 felony.

§ 18-9-111. Harassment - Stalking

(1) A person commits harassment if, with intent to harass, annoy, or alarm another person, he or she:

(a) Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or

(b) In a public place directs obscene language or makes an obscene gesture to or at another person; or

(c) Follows a person in or about a public place; or

(e) Initiates communication with a person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, or computer system that is obscene; or

(f) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

(g) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or

(h) Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response.

(1.5) As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

(2) Harassment pursuant to subsection (1) of this section is a class 3 misdemeanor; except that harassment is a class 1 misdemeanor if the offender commits harassment pursuant to subsection (1) of this section with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, or national origin.

(3) Any act prohibited by paragraph (e) of subsection (1) of this section may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail, or other electronic communication was either made or received.

29. A violation of these statutes constitutes negligence.

30. Thomas Wierdsma, between January 1, 2010, and the present, perpetrated the conduct described by these statutes on Ms. Szeremi.

31. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, costs, and fees.

COUNT THREE

Abuse of Process, CJI-Civ. 17:10

(Against Thomas Wierdsma)

32. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and cross claim.

33. Thomas Wierdsma intentionally filed a sham eviction proceeding, and, based on his own written claims, initiated false immigration complaints and other acts against Ms. Szeremi.

34. The principle reason for Thomas Wierdsma's actions was something other than the legitimate pursuit of these proceedings.

35. Thomas Wierdsma's abuse of process caused Ms. Szeremi damages, injuries, losses, costs and fees.

COUNT FOUR

Outrageous Conduct, CJI-Civ. 23:1

(Against Thomas Wierdsma and Charles Wierdsma)

36. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and crossclaim.

37. The defendants, Thomas Wierdsma and Charles Wierdsma engaged in extreme and outrageous conduct towards Ms. Szeremi.

38. The Defendants did so recklessly and with the intent of causing Ms. Szeremi severe emotional distress.

39. The Defendant's conduct caused Ms. Szeremi severe emotional distress.

40. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, costs, and fees.

COUNT FIVE

Civil Conspiracy, CJI-Civ. 27:1

(Against Thomas Wierdsma and Charles Wierdsma)

41. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and cross claim.

42. On information and belief, the Defendants' Charles and Thomas Wierdsma agreed, by words or conduct, to accomplish an unlawful goal with Ms. Szeremi and accomplish a goal through unlawful means

43. As described in this pleading, one or more unlawful acts were performed to accomplish the goal, and one or more acts were performed to accomplish the unlawful goal.

44. Ms. Szeremi has injuries damages and losses.

45. Ms. Szeremi's injuries or losses were caused by the acts performed to accomplish the goal.

46. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, costs, and fees.

COUNT SIX

Negligence, CJI-Civ. 9:1

(Against Thomas Wierdsma and Charles Wierdsma)

47. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and crossclaim.

48. The Defendants, Charles and Thomas Wierdsma, were negligent.

49. Ms. Szeremi has injuries damages and losses.

50. The Defendants' negligence was a cause of Ms. Szeremi's injuries, damages, and losses.

51. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, injuries, costs, and fees.

COUNT SEVEN

Assault, CJI-Civ. 20:1

(Against Charles Wierdsma)

52. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and crossclaim.

53. The Defendant Charles Wierdsma intended to cause an offensive or harmful physical contact with Ms. Szeremi and intended to place her in apprehension of such contact.

54. Charles Wierdsma placed Ms. Szeremi in apprehension of immediate physical contact.

55. That contact was harmful or offensive.

56. The conduct described in this count occurred within the last year.

57. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, injuries, costs, and fees.

COUNT EIGHT

Battery, CJI-Civ. 20:5
(Against Charles Wierdsma)

58. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and crossclaim.

59. The Defendant Charles Wierdsma's acts resulted in physical contact with Ms. Szeremi.

60. Charles Wierdsma intended to make harmful or offensive physical contact with Ms. Szeremi and knew that he would probably make contact with her.

61. The contact was harmful or offensive.

62. The contact occurred within the last year.

63. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, injuries, costs, and fees.

COUNT NINE

False Imprisonment, CJI-Civ. 21:1
(Against Charles Wierdsma)

64. Ms. Szeremi incorporates herein by reference every allegation contained in her counterclaim and crossclaim.

65. The Defendant Charles Wierdsma intended to restrict Ms. Szeremi's freedom of movement.

66. Charles Wierdsma directly and indirectly restricted her freedom of movement for a period of time.

67. Ms. Szeremi was aware that her freedom of movement was restricted.

68. As a consequence of the Defendant's wrongful conduct, Ms. Szeremi has suffered damages, injuries, costs, and fees.

WHEREFORE, Ms. Szeremi respectfully request that this Honorable Court enter judgment in her favor and against Thomas Wierdsma and Charles Wierdsma for all past and future damages and losses she has suffered including both legal and equitable relief, interest from the date these damages were incurred (beginning in the dates specified above in 2010 and 2011); as well as all actual, incidental, consequential, non-economic, and economic damages; compensatory, exemplary, and punitive damages; loss of past and future earning capacity, loss of past and present productivity, damages for physical and mental pain and suffering; impairment of the quality of life, loss of the enjoyment of life, statutory interest, costs, attorney fees, and any other relief the Court deems just.

JURY TRIAL DEMAND

Ms. Szeremi demands a trial by jury on all issues presented.

**RESPECTFULLY SUBMITTED,
JOHN KENNETH PINEAU, P.C.**

By: 

John Kenneth Pineau, Reg. 24736
Attorney for Beatrix Szeremi
Grill Mansion
2305 Broadway
Boulder, CO 80304-4106
Phone Number: 303-440-4444
Facsimile: 303-449-2198

CERTIFICATE OF SERVICE

By my signature below I do hereby certify that on this 8th day of July, 2011, I delivered a true copy of the foregoing Counterclaims, Crossclaims, and Jury Demand to the following by hand delivery to the named parties or their counsel in the Boulder County Court and by electronic filing to:

Thomas Swett, Esq.
4860 Riverbend Road
Boulder, Colorado 80301
tswett@hurth.com

Thomas Wierdsma

Georgiana Scott
5377 Manhattan Cir. Ste. 202
Boulder, Colorado

Charles Wierdsma



VERIFICATION

STATE OF COLORADO

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1 SS
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COUNTY OF BOULDER

I, Beatrix Szeremi, having first been duly sworn, hereby state that all facts contained in this VERIFIED COUNTERCLAIMS, CROSSCLAIMS, AND JURY TRIAL DEMAND are true and correct to the best of my knowledge, information and belief

Beatrix Szeremi

Subscribed and sworn to before me this 8th day of July, 2011, by

Witness my hand and official seal.



[Signature]
Notary Public *Reg #24736*
My Commission Expires 08/06/2014

My commission expires 10-7-2013



Fwd: Eviction notice

Wednesday, July 6, 2011 2:17 PM

From: "Beatrix" <bszerem01@gmail.com>
To: "John Pineau" <johnpineau@yahoo.com>

Sent from my iPhone

Begin forwarded message:

From: Beatrix <bszerem01@gmail.com>
Date: June 21, 2011 7:04:29 PM MDT
To: Rick Dyson <rickdyso@gmail.com>, Dave Rich <dricoco@gmail.com>
Subject: Fwd: Eviction notice

Sent from my iPhone

Begin forwarded message:

From: Tom Wierdsma <twierdsma@aol.com>
Date: June 21, 2011 6:25:14 PM MDT
To: Beatrix <bszerem01@gmail.com>
Subject: Eviction notice

Beatrix,

Should I send eviction notices to you or your attorney? *not sure who is representing you for this matter.* I understand that you currently have no plans to move out of our home.

I will be copying the Department of Homeland Security, Immigration and Customs Enforcement with this and other information. As you know I funded the legal work and processing fees for you to become a citizen, but Am now disappointed in your actions which now require legal proceedings.

Sent from my iPad

