

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court."  
Although it is posted on the internet, this opinion is binding only on the  
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-4958-14T4

BAWER AKSAL,

Plaintiff-Appellant,

v.

HURRIYET GAZETI, HURRIYET  
GERMANY, AYDIN DOGAN, CEO,  
RAZI CANIKLIGIL,

Defendants,

and

ASSOCIATED PRESS, THE RECORD,  
PETER J. SAMPSON, THE JERSEY  
JOURNAL, MICHELANGELO CONTE,  
THE NEW YORK DAILY NEWS and THE  
HUFFINGTON POST,

Defendants-Respondents.

---

Submitted March 14, 2017 – Decided March 28, 2017

Before Judges Fisher and Leone.

On appeal from the Superior Court of New  
Jersey, Law Division, Essex County, Docket No.  
L-8391-14.

Bawer Aksal, appellant pro se.

Levine Sullivan Koch & Schulz, LLP, attorneys  
for respondents The Associated Press, The

Record and Peter J. Sampson (Thomas B. Sullivan, on the brief).

Robinson Miller, LLC, attorneys for respondents The Evening Journal Association, publisher of The Jersey Journal, and Michelangelo Conte (Keith J. Miller and Michael J. Gesualdo, on the brief).

Archer & Greiner, attorneys for respondents The New York Daily News, L.P., and The Huffington Post (John C. Connell, on the brief).

PER CURIAM

Following his federal conviction for sexually assaulting a woman on a flight from Phoenix to Newark, plaintiff Bawer Aksal commenced this defamation action against, among others, members of the media based on articles they published about the federal proceedings and his conviction.

Close examination of the record reveals that the publications in question accurately reported on the circumstances surrounding the prosecution, the trial testimony, and the jury's determination that, among other things, plaintiff knowingly engaged in a sexual act against the victim without her consent. Plaintiff complains about, among others, articles published: by The Record, under the headline "NJ man guilty of sexually abusing woman on flight," on the day the federal jury returned its verdict against plaintiff; by The New York Daily News that described the details of plaintiff's sexual assault conviction and his contention that the

contact was consensual; and by The Jersey Journal when it reported on the sentence imposed under the headline, "North Bergen man who sexually assaulted woman on plane gets 8 years."

Three separate groups of media defendants -- defendant Evening Journal Association, the publisher of The Jersey Journal, and its reporter, Michelangelo Conte; defendants The Huffington Post and The New York Daily News, and the latter's reporter, David Knowles; and defendants The Associated Press, The Record, and The Record's reporter, Peter J. Sampson -- moved for and obtained, on March 6, 2015, dismissal of the complaint for failure to state a claim upon which relief might be granted based on the judge's application of the fair-report privilege. See, e.g., Costello v. Ocean Cnty. Observer, 136 N.J. 594, 607 (1994).<sup>1</sup>

Plaintiff appeals, arguing:

I. DEFENDANTS ARE IN A STATE OF DEFAULT AS A MATTER OF LAW THEREFORE, CLAIMANT IS ENTITLED TO JUDGMENT.

II. CLAIMANT, AS A MATTER OF LAW, IS INNOCENT.

III. COMMON LAW FAIR REPORT PRIVILEGE IS CONDITIONAL.

IV. MEDIA MEMBERS FORFEIT PROTECTIONS WHEN THEY ACT IN A TORTIOUS, NEGLIGENT OR

---

<sup>1</sup> Although the complaint sought relief from other individuals as well, the record on appeal does not clearly reveal the disposition of those claims. Notwithstanding, we assume all issues as to all parties were finally disposed of in the trial court prior to the lodging of this appeal.

FRAUDULENT MANNER, COMMITTING SLANDER,  
DEFAMATION OR LIBEL WITH FALSE STATEMENTS AND  
MISREPRESENTATIONS OF FACTS.

V. DEFENDANTS HAVE A DEMONSTRATED AND  
DOCUMENTED HISTORY OF IRRESPONSIBLE  
JOURNALISM.

We find insufficient merit in all plaintiff's arguments to warrant  
discussion in a written opinion. R. 2:11-3(e)(1)(E).

The statements made by the media defendants about plaintiff,  
including, among other things, the descriptions of the testimony  
adduced during the federal trial, the content of the jury's  
verdict, and the sentence imposed, were protected by the fair  
report privilege, as the motion judge held. Consequently, we need  
not consider the alternate grounds for dismissal asserted by  
defendants.

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.

  
CLERK OF THE APPELLATE DIVISION