

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, ss.

Superior Court Department
Civil Action No.: 08-843

PETER K. FREI,)
Plaintiff)

v.)
)

TOWN CLERK, PLANNING BOARD,)
and ZONING BOARD OF APPEALS,)
of the Town of Holland,)
Defendants)

DEFENDANTS' MOTION TO DISMISS

Now come the Defendants in the above-captioned matter, through their respective counsel, and hereby move to dismiss the Plaintiff's complaint in this matter as to all of the Defendants pursuant to Mass. Rule Civ. Pro. 12(b)(6).

The basis for this Motion to Dismiss is articulated in the Memorandum of Law filed simultaneously herewith.

WHEREFORE, the Defendants move for dismissal of the complaint in its entirety.

Respectfully submitted,

THE DEFENDANTS,
BRIAN JOHNSON,
AMY JOHNSON,
CARL JOHNSON,
KIMBERLY JOHNSON,
By their attorney,

10/29/08 Joseph R. White (TES)
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THE DEFENDANTS,
TOWN OF HOLLAND,
KRISTEN LaPLANTE,
DONALD BEAL,
SARTO CARON,
CHRISTIAN PETERSON,
DEBRA BENVENISTE,
STEVE ROSS,
LYNN ARNOLD,
JOANNE MAY,
CHRISTINE McCOOE and
EARL JOHNSON, in their
capacities as employees of the
Town of Holland,
By their attorney,

Tani E. Sapirstein
Tani E. Sapirstein, Esq.
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THE DEFENDANTS,
ALBERT WEST, and
RENEE THIBAUT,
By their attorney,

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Dated: October 28, 2008

CERTIFICATE OF SERVICE

Pursuant to Superior Court Rule 9A, I hereby certify that a true copy of the above document was served upon the following via first class mail, postage prepaid, to:

Mr. Peter K. Frei
101 Maybrook Road
Holland, MA 01521

Dated: October 28, 2008



Tani E. Sapirstein