

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS.

DISTRICT COURT DEPARTMENT
PALMER DIVISION
CIVIL ACTION NO. 1143CV293

Brian Johnson,)
Plaintiff)
)
v.)
)
Peter Frei,)
Defendant)

**DEFENDANT’S REQUEST FOR SANCTIONS AGAINST
PLAINTIFF’S ATTORNEY, TANI SAPIRSTEIN.**

Now comes the defendant and requests this honorable Court to sanction plaintiff’s attorney, Tani Sapirstein, for violating Mass.R.Civ.P. rule 11(a), and her attorney’s oath, G.L. c.221 s.38:

I ... solemnly swear that I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any false, groundless, or unlawful suit, nor give aid or consent to the same....

The absence of the decisive term “aggrieved person¹” and its definition in Sapirstein’s opposition is excusable and possibly just an intentional omission on her part.

However, Tani Sapirstein crossed the line by blatantly and knowingly submit the final FALSE statement (page 3) of her signed opposition to defendant’s motion to dismiss, quote:

Contrary to Frei’s representation to this Court, the Supreme Judicial Court expressly rejected the requirement of a reasonable expectation of privacy as an element of a civil action claim under G.L. c.272, §99Q. “[W]e would render meaningless the Legislature’s careful choice of words if we were to interpret ‘secretly’ as encompassing only those situations where an individual has a reasonable expectation of privacy.” Id at 601, citations omitted.

Sapirstein, in violation of Mass. R. Civ. P. rule 11(a), is trying to dupe this Court in a deliberate attempt to deny the defendant his right to equal

¹ Any or all alternatives prescribed by G.L. c.272, s.99 Q, and separated with “or,” are connected and relate to, “[a]ny aggrieved person...” The definition of “aggrieved person,” is a person who has standing to complain that his personal or property interest or privacy was invaded in the course of an interception, G.L. c.272, s.99 B 6 provides:

The term “aggrieved person” means any individual who was a party to an intercepted wire or oral communication or who was named in the warrant authorizing the interception, or who would otherwise have standing to complain that his personal or property interest or privacy was invaded in the course of an interception.

The definition of “otherwise” is, according to Black’s law dictionary: In a different manner, or in another way, or in other ways. *Safe Deposit & Trust Co. of Baltimore v. New York Life Ins. Co., D. C. Md.*, 14 F. Supp. 721, 726.

protection under the law granted to every citizen under the US Constitution.

Sapirstein's claim, (page 3), "the Supreme Judicial Court expressly rejected the requirement of a reasonable expectation of privacy as an element of a civil action claim under G.L. c.272, §99Q," **IS A LIE!**

The Supreme Judicial Court's quote is pertaining to a CRIMINAL case pursuant G.L. c.272, s.99 C 1, the case, *Commonwealth v. Jackson*, 370 Mass. 502 (1976). *Jackson* is quoted by the SJC within, *Commonwealth v. Michael J. Hyde* 434 Mass. 594, 600 (2001).

A reasonable expectation of privacy IS a required element of any civil action under G.L. c.272, s.99 Q, AS A MATTER OF LAW.

For the above reason, the defendant respectfully requests that this honorable Court sanctions plaintiff's attorney, Tani Sapirstein.

Respectfully submitted,

Peter Frei
101 Maybrook Road
Holland, MA 01521
Phone: (413) 245 4660

July 15th, 2011

Peter Frei

CERTIFICATE OF SERVICE:

I hereby certify that a true copy of the above document was served upon the following by first class mail, postage prepaid:

Sapirstein & Sapirstein, P.C.
Tani E. Sapirstein,
1350 Main Street, 12th Floor
Springfield, MA 01103

July 15th, 2011

Peter Frei