

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 AFFIDAVIT IN SUPPORT OF HIS REQUEST FOR
SANCTIONS AGAINST PLAINTIFF’S ATTORNEY,
TANI SAPIRSTEIN.**

DECLARATION:

I Peter Frei declare and state:

1. My name is Peter Frei and I am the defendant in this action. I make this declaration in support of Defendant’s Request For Sanctions Against Plaintiff’s Attorney, Tani Sapirstein. The facts set out below are known to me personally and if called on I could testify to those facts under oath.

2. Tani Sapirstein made the following statement in her opposition to my (defendant's) motion to dismiss:

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.

3. Tani Sapirstein signed her opposition which included the statement under the previous paragraph.
4. Tani Sapirstein's statement is a falsehood.
5. Tani Sapirstein's statement refers to Supreme Judicial Court (SJC) opinion in the case *Comm. V. Hyde*, 434 Mass. 594 (2001).
6. In *Hyde*, The SJC is quoting the opinion *Commonwealth v. Jackson*, 370 Mass. 502 (1976).
7. Both opinion, *Hyde* and *Jackson* are criminal cases.
8. In *Jackson*, the word "civil" and the section, term, or word "c.272, §99Q," are not mentioned at all and also do not appear in any other shape or form in the entire *Jackson* opinion.

I declare under penalty of perjury that the forgoing is true and correct.
Executed on July 25th, 2011.

Peter Frei

Respectfully submitted,

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

July 25th, 2011

Peter Frei

CERTIFICATE OF SERVICE:

I hereby certify that a true copy of the above document was served upon the following in person:

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

July 26th, 2011

Peter Frei