

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 11-618

Nancy Curving,)
Plaintiff)
)
v.)
)
Peter Frei,)
Defendant)

AFFIDAVIT IN SUPPORT OF
DEFENDANT’S MOTION TO DISMISS

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 Motion to Dismiss. The facts set out below are known to me personally and if called on I could testify to those facts under oath.
2. I am resident of the Town of Holland and the owner and operator of an “interactive computer service,” “The Holland Blog,” at, <http://www.01521.com>.
3. An anonymous third party user of the Holland Blog left a comment on the Holland Blog accusing Nancy Curving, the plaintiff in this action to have “propositioned” to him/her to purchase “CRACK the drug...”
4. I, the defendant, neither know the plaintiff, Nancy Curving, nor does I know who the anonymous third party user is that posted said

comment. As a matter of fact, I never even heard the name “Nancy Curving” before the third party user left said comment.

5. I am neither the author of said comment nor the author of any of the comments subject to this action. Especially the comments mentioned under paragraph 2, page 3, or reproduced in exhibit A on page 1 and page 2 in plaintiff’s complaint.

I declare under penalty of perjury that the forgoing is true and correct.
Executed on August 1st, 2011.

Peter Frei

Respectfully submitted,

Peter Frei
101 Maybrook Road
Holland, MA 01521
phone (413) 245 4660
August 1st, 2011

Peter Frei

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by hand delivery to:

E. John Anastasi, Esquire
Anastasi & Associates, P.C.
P.O. Box 552, 245 Main Street
Oxford, MA 01540
August 2nd, 2011

Peter Frei