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Johnson v. Frei
(primary claim)

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

District Court Department
Springfield Division
Civil Action No.: 1143CV293

BRIAN JOHNSON

PLAINTIFF

v.

PETER FREI

DEFENDANT

VERDICT FORM

VIOLATION OF MASSACHUSETTS WIRETAPPING STATUTE,

M.G.L. c. 272, §99

1. Did Peter Frei, make a secret recording of Brian Johnson?

☒ Yes

☐ No

2. Did Frei make a secret recording that violated the personal or property
interests of Johnson?

☐ Yes

☒ No

3. Did Frei make a secret recording that violated Johnson's privacy?

_____ Yes

✓ _____ No

4. Did Frei make a secret recording of Johnson without Johnson's consent and disclose the contents of such recording to another person?

✓ _____ Yes

_____ No

5. If you answered YES to questions 1,2,3,or 4, what amount of money would fairly compensate Mr. Johnson for Mr. Frei's violation of G.L. ch.272 §99.

\$ 100.⁰⁰ figures

\$ One hundred dollars and ⁰⁰/₁₀₀ words

6. What amount of punitive damages , if any, do you award against Mr. Frei?

\$ Ø figures

\$ Zero dollars words

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS

PALMER DISTRICT COURT
DOCKET NO: 1143 CV 0293

BRIAN JOHNSON
Plaintiff

vs.

PETER FREI
Defendant

JURY VERDICT SLIP

ASSAULT
Counter Claim: Count I

ASSAULT BY AN ATTEMPTED BATTERY

1. Do you find by the preponderance of the evidence that on February 19, 2011, Mr. Johnson intended to commit a battery - that is a harmful or unpermitted touching - of Mr. Frei

YES _____ NO ✓

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

2. Do you find by the preponderance of the evidence that on February 19, 2011, Mr. Johnson took some overt act toward accomplishing that intent and came reasonably close to do so.

YES _____ NO _____

If your answer is "Yes" go on to the Question 3. If your answer is "No" STOP HERE.

ASSAULT BY AN IMMEDIATE THREATENED BATTERY

1. Do you find by the preponderance of the evidence that on February 19, 2011, Mr. Johnson intentionally committed an overt act toward Mr. Frei ?

YES _____ NO ✓

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

2. Do you find by the preponderance of the evidence that on February 19, 2011, as a result of Mr. Johnson's intentional overt act toward Mr. Frei that Mr. Frei reasonably apprehended immediate physical contact by Mr. Johnson.

YES _____ NO _____

If your answer is "Yes" go on to Question #3. If your answer is "No" STOP HERE.

- 3: If Mr. Frei has proved the elements of assault, he is at least entitled to an award of nominal damages. What amount of nominal damages will fairly compensate Mr. Frei for his damages:

\$ _____
Amount in figures

\$ _____
Amount in Words

4. Do you find that Mr. Johnson's assault caused actual harm or injury to Mr. Frei. Actual harm or injury in this context includes physical or emotion injury, such as emotional distress, fright, mental suffering or humiliation. What amount of damage will fairly compensate Mr. Frei for any his actual harm or injury.

\$ _____
Amount in figures

\$ _____
Amount in Words

COMMONWEALTH OF MASSACHUSETTS
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HAMPDEN, SS

PALMER DISTRICT COURT
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JURY VERDICT SLIP

ASSAULT & BATTERY
Counter Claim: Count II

ASSAULT AND BATTERY

1. Do you find by the preponderance of the evidence that while acting on his own or in concert with others on February 19, 2011, Mr. Johnson intended to commit a battery upon Mr. Frei ?

YES _____ NO ✓

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

2. Do you find by the preponderance of the evidence that while acting on his own or in concert with others on February 19, 2011, Mr. Johnson committed a harmful or unpermitted touching upon Mr. Frei ?

YES _____ NO _____

If your answer is "Yes" go on to the Question 3. If your answer is "No" STOP HERE.

- 3: If Mr. Frei has proved the elements of assault and battery, he is at least entitled to an award of nominal damages. What amount of nominal damages will fairly compensate Mr. Frei for his damages:

\$ _____
Amount in figures

\$ _____
Amount in Words

4. Do you find that Mr. Johnson's assault caused actual harm or injury to Mr. Frei. Actual harm or injury in this context includes economic loss, actual medical expenses, physical or emotional injury, such as emotional distress, fright, mental suffering or humiliation. What amount of damage will fairly compensate Mr. Frei for any his actual harm or injury.

\$ _____
Amount in figures

\$ _____
Amount in Words

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS

PALMER DISTRICT COURT
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JURY VERDICT SLIP

DEFAMATION
Counter Claim: Count III

DEFAMATION

1. Do you find by the preponderance of the evidence that on February 19, 2011, Mr. Johnson knowingly and falsely accused Mr. Frei of having committed a crime?

YES



NO

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

2. Do you find by the preponderance of the evidence that Mr. Johnson communicated said knowing and false accusation of crime to at least one other person ?

YES



NO

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

- 3: What amount of money will fairly compensate Mr. Frei for the harm caused by Mr. Johnson's defamation ?

\$ 100.00 *DNB*
~~500.00~~
Amount in figures

\$ One hundred dollars and 00/100
~~Five hundred dollars and 00/100~~
Amount in Words

COMMONWEALTH OF MASSACHUSETTS
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HAMPDEN, SS

PALMER DISTRICT COURT
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JURY VERDICT SLIP

EMOTIONAL DISTRESS
Counter Claim: Count IV

INTENTIONAL EMOTIONAL DISTRESS

1. Do you find by the preponderance of the evidence that on February 19, 2011, Mr. Johnson intended to inflict emotional distress, or knew or should have reasonably known that emotional distress was likely to result from his conduct ?

YES



NO



out 3

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

2. Do you find Mr. Johnson's conduct was extreme and outrageous, was beyond the bounds of decency and intolerable in a civilized society ?

YES



NO

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

- 3: Do you find Mr. Johnson's conduct caused Mr. Frei emotional distress ?

YES

NO



If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

4. Do you find the emotional distress suffered by Mr. Frei was severe and of a nature that no reasonable person should be expected to endure it ?

YES _____ NO _____

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

5. What amount of money will fairly compensate Mr. Frei for his emotional distress?

\$ _____
Amount in figures

\$ _____
Amount in Words

COMMONWEALTH OF MASSACHUSETTS
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HAMPDEN, SS

PALMER DISTRICT COURT
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JURY VERDICT SLIP

EMOTIONAL DISTRESS
Counter Claim: Count V

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

1. Do you find by the preponderance of the evidence that on February 19, 2011, Mr. Johnson acted negligently toward Mr. Frei ?

YES ☒ NO ☐

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

2. Do you find that a reasonable person under the circumstances of this case would have suffered emotional distress?

YES ☒ NO ☐

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

3. Do you find that Mr. Johnson's negligence caused physical symptoms or objective symptomology of injury and emotional distress to Mr. Frei ?

YES ☐ NO ☒

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

4. What amount of money will fairly compensate Mr. Frei for his injuries ?

\$ _____
Amount in figures

\$ _____
Amount in Words

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS

PALMER DISTRICT COURT
DOCKET NO: 1143 CV 0293

BRIAN JOHNSON
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Defendant

JURY VERDICT SLIP

CIVIL RIGHTS
Counter Claim: Count VII

CIVIL RIGHTS

1. Do you find by the preponderance of the evidence that Mr. Frei exercised or enjoyed rights secured to him by the Constitution or laws of the United States or by the Constitution or Laws of the Commonwealth of Massachusetts ?

YES ☒ NO ☐

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

2. Do you find by the preponderance of the evidence that Mr. Johnson interfered with or attempted to interfere with those rights ?

YES ☒ NO ☐

If your answer is "Yes" go on to the next Question. If your answer is "No" STOP HERE.

3. Do you find that the interference or attempted interference was by threats, intimidation or coercion ?

YES ☒ NO ☐

If your answer is "Yes" go on to the Question 3. If your answer is "No" STOP HERE.

4. What amount of money will fairly compensate Mr. Frei for the harm caused by Mr. Johnson having violated Mr. Frei's Civil Rights ?

\$ 1,500.⁰⁰
Amount in figures

\$ ONE thousand Five hundred and ⁰⁰/₁₀₀