

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT

Hampden, ss

Palmer District Court  
Civil Action No: 1143CV293

BRIAN JOHNSON  
Plaintiff

v.

PETER FREI  
Defendant

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**NOTICE OF APPEAL  
BY PETER FREI**

1. Defendant/Plaintiff-in-Counter-Claim, Peter Frei, is the party filing this Appeal.
2. Pending review of the complete transcript, Frei intends to appeal include (1) whether the civil provisions of the Massachusetts wiretap statute, G.L. c. 272 Sec. 99Q are unconstitutionally vague; (2) As applied to Frei, whether the civil provisions of the Massachusetts wiretap statute, G.L. c. 272 Sec. 99Q, violate Frei's state and federal rights of free speech and expression; (3) whether the civil provisions of the Massachusetts wiretap statute, G.L. c. 272 Sec. 99Q, requires proof of a privacy violation; (4) whether the court erred in its determination of the amount of legal fees Frei is entitled to receive as part of the judgment against Johnson for Johnson's violation of Frei's civil rights pursuant to the Massachusetts Civil Rights Act (G.L. c. 12, Sec. 11I); (5) whether the Court erred in dismissing Frei's complaint against John for abuse of process (6) whether the court erroneously instructed the jury on the elements of the civil provisions of the Massachusetts wiretap statute, G.L. c. 272 Sec. 99Q and proof of joint enterprise.
3. Frei appeals from entry of judgment in favor of Johnson for violation of the Massachusetts wiretap statute, G.L. c. 272 Sec. 99Q and denial of Frei's Pre-Trial Motion to Dismiss, Motion for Required Finding and Requests for Jury Instructions.
4. Copies of Frei's Motion(s) to Dismiss; Motion for Reconsideration and the decisions of Judge Garcia-Vega and Judge Poehler denying Frei's Motion(s) to Dismiss are attached.
5. Frei's cassette tape order form for the hearing on Johnson's Motion for Judgment NOV that occurred on September 11, 2013 and for the hearing on the award of legal fees that occurred on October 25, 2013 and the requisite fee is attached.

Frei reserves his rights avail himself of the cassettes and/or transcript obtained by the Appellant and to expand same, pursuant to Rules 8C(2) and (4)(d) District and Municipal Court Rules for Appellate Division Appeal.

Respectfully submitted by,

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February 6, 2014

Certificate of Service

I certify a copy of the foregoing document was served by first class mail, postage pre-paid, upon the attorney for the Plaintiff, namely, Tani E. Saperstein, c/o Saperstein & Saperstein, P.C., 1350 Main Street, 12<sup>th</sup> Floor, Springfield, MA 01103, this \_\_\_\_\_ day of February, 2014.

Henry L. Rigali, Esq.