COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF THE TRIAL COURT

| HAMPDEN, ss. | District Court Department Palmer Division Civil Action No.: 1143CV293 |
|---|---|
| BRIAN JOHNSON |) |
| PLAINTIFF/ DEFENDANT-IN-COUNTERCLAIM |))) |
| V. |) |
| PETER FREI | |
| DEFENDANT/ PLAINTIFF-IN-COUNTERCLAIM |)) |

PLAINTIFF/DEFENDANT-IN-COUNTERCLAIM'S PRETRIAL MEMORANDUM

A. CLAIMS AND DEFENSES

Plaintiff:

There are no pending claims.

B. <u>WITNESSES</u>

Plaintiff:

Brian Johnson c/o Tani Sapirstein, Esq. Sapirstein & Sapirstein, P.C. 1331 Main Street, 2nd Floor Springfield, MA 01103 Peter Frei 101 Maybrook Road Holland, MA 01105

C. <u>FACTS ESTABLISHED BY PLEADINGS, STIPULATION OR ADMISSION</u>

Johnson prevailed on his claim for violation of G.L. ch. 272, §99 at trial. The trial judge (Poehler, J.) directed a verdict in favor of Johnson. This decision was affirmed by the Appellate Division of the District Court but later reversed by the Appeals Court and remanded for trial.

| D. | ITEMIZED | LIST O | F SPECIA | ALIZED | DAMAGES, | IF ANY |
|----|-----------------|--------|----------|--------|----------|--------|
| | | | | | | |

Plaintiff:

Costs of defense.

E. ESTIMATED LENGTH OF TRIAL

Plaintiff:

One (1) day.

F. CERTIFICATION BY COUNSEL THAT THEIR CLIENT(S) HAVE BEEN APPRISED OF ESTIMATED LITIGATION COSTS

Plaintiff:

Counsel for the Plaintiff has apprised the Plaintiff of the estimated litigation

costs.

Respectfully submitted,

The Plaintiff, Brian Johnson, By his attorney,

Tani E. Sapirstein, Esq. BBO No. 236850
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Dated: November 29, 2018

CERTIFICATE OF SERVICE

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

Mr. Peter Frei 101 Maybrook Road Holland, MA 01521

Dated: November 29, 2018

Tani E. Sapirstein