

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS.

DISTRICT COURT DEPARTMENT
PALMER DIVISION
CIVIL ACTION NO. 1143CV293

Brian Johnson,)	MOTION FOR A CONTINUANCE
Plaintiff)	TO BE PRESENTED TO
v.)	HONORABLE MICHAEL E MULCAHY
Peter Frei,)	and
Defendant)	REQUEST FOR CLARIFICATION

Now comes the defendant, Peter Frei, in the above captioned matter and hereby files his motion for a continuance.

Frei will not be able to attend the pretrial/conciliation conference scheduled for 11/29/2018 at 2:00PM as he will be in Switzerland from 11/26 till 12/5 visiting his 94 year old mother. Frei has booked a round-trip flight well in advance as he does every year for a special price (\$449.48) and dates are firm and can not be changed. Also, Frei has scheduled a difficult doctors visit on 11/29 at 10:00AM for his mother in Switzerland and will assist and accompany her on this visit with her personal physician.

Frei tried to conferred with opposing counsel to propose a new date for the pretrial/conciliation conference but Tani Sapirstein does not talk to Frei and does not return phone calls.

The pattern is as follows; Frei calls her office and the person answering the call asks who is calling and then explains that he/she will see if Sapirstein is available. She never is... Another person than Sapirstein then calls back to see what the call was all about.

Frei then explains what it is all about. If there is nothing to gain, if there is nothing "in it" for Sapirstein by calling back, Sapirstein never does.

Other than the time Frei will be in Switzerland, any time passed that time, in other words, after 12/5/2018, Frei will be available.

Defendant, Peter Frei also requests to have an issue clarified.

According to the pretrial/conciliation conference notice, "Plaintiff counsel shall contact opposing counsel to discuss settlement in advance of the conference."

Frei is not clear whether Johnson (as the original plaintiff in this matter), or Frei (plaintiff in the counter-claim decided in his favor by the Appeals Court of the Commonwealth) is mandated by the notice to be the party initiating settlement efforts.

Frei has a very simple and extremely generous settlement proposal no party would refuse in this situation, see attached Settlement Proposal.

Respectfully submitted by the Defendant,

Peter Frei
101 Maybrook Road
Holland, MA 01521
phone (413) 245 4660
November 12th, 2018,

Peter Frei

Attachment:

- Affidavit in Support of this motion
- Copy of Frei's Settlement Proposal
- Copy of Public Education Letter issued by the State Ethics Commission.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following by First Class Mail, postage prepaid:

Tani E. Sapirstein,
Sapirstein & Sapirstein, P.C.
1331 Main Street, 2nd Floor
Springfield, MA 01103

November 12th, 2018,

Peter Frei