

Peter Frei
101 Maybrook Road
HOLLAND, MA 01521

November 12, 2018

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

RE: Settlement Proposal in
Brian Johnson v. Peter Frei 1143CV000293

Dear Tani E Sapirstein,

The legal standard for the claim found in my favor by the Appeals Court mandates the payments of all my legal expenses, not just "reasonable attorney's" expenses.

Up to the day the judgment by the District Court issued, I made actual payments, **YES, ACTUAL PAYMENTS** to my attorney, Henry Rigali, in the amount of \$63,500.

Obviously, this does **not** include any legal fees to answer to the appeal you, Tani Sapirstein, initiated to the Appellate Division of the District Court.

It also does **not** include any legal fees to answer the appeal to the Appeals Court of the Commonwealth, again initiated by you.

It also does not include answering the FAR application to the Supreme Judicial Court of the Commonwealth, which again was initiated by you, Tani Sapirstein.

You, Tani Sapirstein, may consider contacting your legal malpractice insurance company with the request to pay my legal fees for the following reasons:

- No sane attorney with integrity would have filed a civil suit for any client in the situation at hand.
- Brian Johnson must have been left to believe that he will never have to pay a dime; and so far he has not, see attached Public Education Letter ("PEL") issued by the State Ethics Commission note 1, page 2.
- You, Tani Sapirstein, knew, or should have known, that all Johnson could recover was \$100, (during trial, the jury asked whether they have to award Johnson anything at all!), and that Johnson potentially would be faced with having to pay my legal fees.
- Repeatedly criticized by me, Peter Frei, on "The Holland Blog," you, Tani Sapirstein, had an axe to grind with me too.\¹/

1 I, Peter Frei, repeatedly criticized you, Tani Sapirstein for representing the town in other frivolous lawsuits against outspoken residents. For instance, the town lost their frivolous appeal in *Town of Holland Fire Department v. James P. Lamountain & another*, HDCV2009-00935.

- You, Tani Sapirstein, convinced the members of the Board of Selectmen ("BOS") of the Town of Holland to be appointed to "Special Town Counsel," in order to represent the plaintiff, Brian Johnson, in his frivolous private lawsuit, see PEL note 1 page 1, and note 2, page 2.
- The PEL clearly shows that Johnson's frivolous civil suit was not to address any grievances, the civil suit was filed to, "deter future lawsuits," (see PEL, note 3, page 2); and, "that such an action could discourage Frei from litigation against the Town and its officials," PEL note 4, page 2. (Petitioning the Courts is a Constitutional Right protected under the First Amendment.)
- While you are denying having advised the members of the BOS to pay Johnson's legal fees for his private civil suit, the BOS claims that you did, "there is a question as to whether you [BOS] relied on advice of counsel," PEL note 5, page 1.
- There is no question that you, Tani Sapirstein, accepted the payments in violation of G.L. c.268A, PEL note 1, page 2.
- According to the record, you accepted a total of \$23,023.00 to represent the plaintiff, Brian Johnson, see PEL, note 1, page 2.

To help to bring this matter to a conclusion, I'm willing to settle for the actual attorney's fees I paid to litigate this case in District Court.

I'm willing to waive the right to be reimburse for the appeal to the Appellate Division of the District Court, I wave also the right to be reimbursed for the appeal to the Appeals Court of the Commonwealth, and last but

not least, I also wave to be reimbursed for the FAR application I was forced to file.

In my humble opinion, the proposal to settle for \$63,500 is more than generous, considering the situation at hand.

With kind regards,

Peter Frei

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