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COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

CIVIL ACTION NO. 06-1807 C

SCOTT F. KERR, Individually and as Executor )  
 of THE ESTATE OF HARRIET KEER; REEB )  
 MILLWORK CORPORATION; REEB MILLWORK )  
 CORPORATION OF NEW YORK; REEB )  
 MILLWORK CORPORATION – NORTHWEST; )  
 DELMARVA SASH & DOOR COMPANY OF )  
 MARYLAND, INC.; REEB MILLWORK )  
 CORPORATION OF NEW ENGLAND, INC.; )  
 KATHARINE HOFFMAN SENN; RAYMOND SENN; )  
 JOHN SENN, JR.; FREDERICK SENN; ELENA )  
 SENN; ARMOND SENN, through his mother )  
 and next friend ELENA SENN; and MARY FAE )  
 KORTEWEG )  
 Plaintiffs )  
 )  
 V. )  
 )  
 GREGG B. SMITH, )  
 Defendant )  
 )

PRE-TRIAL MEMORANDUM

The parties submit the following joint pre-trial memorandum.

I. AGREED FACTS

1. The individual plaintiffs are all descendents of Fredrick Hoffman.
2. Plaintiff Scott F. Kerr is a part owner of Reeb Millwork Corporation, Reeb Millwork Corporation of New York, Reeb Millwork Corporation – Northwest, Delmarva Sash & Door Company of Maryland, Inc., and Reeb Millwork Corporation of New England, Inc.

3. Defendant, Gregg B. Smith, (“Smith”) owns, operates and maintains a website at www.savecapeann.com which contains information accessible to the general public to this date. Smith also prints and publicly distributes a newsletter under the name “Save Cape Ann.”

4. Smith’s Father, Charles Smith, at one time acquired and held good title to a parcel of residential real property in Gloucester, Massachusetts. On or about May 29, 1987 Smith conveyed this real property to the plaintiffs Joanne Hoffman Sheffel, Katharine Hoffman Senn, and Harriet Hoffman Kerr, who now wish to subdivide and develop this property along with other real property. Smith opposes the plan to subdivide and develop said property.

## II. BRIEF STATEMENT OF EVIDENCE

### A. Plaintiffs’ Statement

#### 1. *Plaintiffs’ Claims*

Decades ago, Fredrick Hoffman, now deceased, purchased a number of plots of real-estate in the town of Gloucester, Essex County, Massachusetts.

Prior to his death, Mr. Hoffman fathered three children with his first wife: Joanne Hoffman Sheffel, Katharine Hoffman Senn, and Harriet Hoffman Kerr (“the Hoffman daughters”). Mr. Hoffman conveyed some of his real estate in Gloucester, Massachusetts to his daughters including:

(a) a piece of real-estate, and the home located thereon (“the Stone House”), at the address of 34 Coggeshall Road, which is currently owned by the Estate of Harriet Kerr and by Katharine Hoffman Senn, and

(b) a piece of real-estate (“the Tiderock Property”) located in close proximity to the

North of the above-mentioned stone house property and abutting the Smith property, which is currently owned by The Estate of Harriet Hoffman Kerr, Katharine Hoffman Senn, and Joanne Hoffman Sheffel.

Thereafter, Defendant Smith's father, Charles Smith, conveyed by sale to the Hoffman daughters, his residential property, which abutted the Hoffman's Tiderock Property and which was made part of the Tiderock Property via this transfer. In 1998, the Hoffman daughters entered into an agreement with TFord Co., of Georgetown, Massachusetts, a land development company, in order to subdivide and develop the Tiderock property, which has been the subject of a Definitive Subdivision Plan known as "Tiderock" on a proposed "Flatstone Lane," filed on October 5, 2005, and approved by the City of Gloucester Planning Board on March 27, 2006, and has been the subject of subsequent and extensive prior litigation before the Commonwealth of Massachusetts Land Court, Essex County, No. 06-MISC-321728 (the "Tiderock Project"). Thomas Ford is the principal of TFord Co.

Harriet Hoffman Kerr died on November 14, 2003, and prior to her death had been married to Thomas R. Kerr, I, and during the marriage, the couple had four children, John R. Kerr, Thomas Kerr, II, Karin Kerr and Plaintiff Scott F. Kerr, who were equal beneficiaries to their mother's Estate. Plaintiff Katharine Hoffman Senn was married to John Senn, Sr., and the couple had five children, all of whom are plaintiffs in this action.

Defendant Smith has been a long time opponent of the Tiderock Project. Smith has engaged in a pattern of making voluminous defamatory statements about the plaintiffs, and in addition, has harassed, threatened and assaulted some or all of the plaintiffs. The instances of defamation are set forth in detail in the complaint, but generally include false, disparaging,

threatening, and derogatory allegations by Defendant Smith against the Hoffman family, generally and specifically, regarding a dispute over the former Smith property, which Defendant Smith alleges he and his family rightfully own, despite the fact that it was appropriately and legally sold by Defendant Smith's father to the Hoffman daughters, who hold legal title. Some of the defamatory remarks are set forth on a web site Defendant Smith created, caused to be created, and/or maintained a website known as "SaveCapeAnn.com," The website contains false, disparaging, and derogatory allegations about not only individual members of the Hoffman family, but also about the Kerr family (including specific reference to Plaintiff Scott F. Kerr) and about Reeb Millwork Corporation, including false allegations that the some of the plaintiffs have committed crimes.

Furthermore, Mr. Smith has written letters to employees of Reeb making outrageous and false allegations about some of the plaintiffs. In addition, he has made numerous threats against the plaintiffs.

In addition to the defamation and threats, Smith has harassed and threatened some of the plaintiffs. On or about the morning of August 27, 2006, while John Kerr and his wife, Victoria Kerr, were walking from the Stone House to the Tiderock Property, they witnessed Defendant Smith setting up a stand to distribute items, including the newspaper, bumper stickers, shirts, and tapes referenced above, at which point, with no provocation, Defendant Smith aggressively approached the Kerrs screaming obscenities at them, calling them derogatory names, and following them as they tried to leave the scene. On a previous occasion, approximately June of 2006, Defendant Smith, with no provocation, approached Elena and Mary Fae Senn, and Elena's young child, plaintiff Armond Senn, on the beach screaming obscenities, which the Senns

reported to Gloucester Police due to Defendant Smiths' threatening tone and behavior. On another previous occasion, which was also reported to the Gloucester Police Department, approximately 2004, Defendant intentionally accelerated his automobile directly toward Katharine Hoffman Senn as she was walking across a street; just short of hitting Katharine Hoffman Senn, Defendant slammed on his automobile brakes and screeched to a halt in close proximity to her, causing her great fear and shock.

Finally, prior to the institution of this case, Smith has continuously trespassed on the property of the plaintiffs. More recently, he has left an abandoned car on the plaintiffs' property, and he has built a structure on the property. Plaintiffs intend to remove these items from the property shortly.

At the outset of the case, plaintiffs' sought and received a preliminary injunction enjoining Smith from making certain allegations of the commission of crimes and related matters. The injunction also set limits on how close Smith could come to the plaintiffs' property, and also enjoined him from harassing the plaintiffs.

## 2. *Defendant's Counterclaims*

Defendant has made counterclaims that can be boiled down to two allegations: First, that somehow, he is the owner of the parcel that was sold by his father to some of the plaintiffs over 20 years ago; and second, that he is entitled to a prescriptive easement on the Tiderock Property. Both of these claims are frivolous.

As to the ownership issue, the property in question was deeded to the plaintiffs, and that deed is recorded in the Registry of Deeds. Smith apparently bases his claim of ownership on some alleged promise made to him by his father that he would transfer the property to Smith.

There are no documents supporting such an allegation. This claim is barred by the statute of frauds, the statute of limitations, and quite simply, because the property was legally deeded to some of the plaintiffs, and Smith has never had any ownership interest in the property.

The claim to a prescriptive easement also fails. Smith has satisfied none of the requirements of a prescriptive easement. Smith lacks standing to bring this action, and this claim has absolutely no merit.

B. Defendant's Statement

1. The Plaintiffs (The Tide Rock Developers), have hired Robert Pierce to prevent opposition to their proposed destruction of a public park along a cemetery, and to hide the criminal acts that they have committed during the past 26 years of project review, and to hide criminal acts in their personal lives.

2. Defendant has filed a counterclaim to ensure criminal prosecution of Robert Pierce and his clients for Victim/Witness Intimidation through Fraud and Perjury to the court.

III. DESCRIPTION OF THE CASE TO THE JURY

A. Plaintiff's Proposed Description

Plaintiffs own various parcels of real property in Gloucester, Massachusetts which are the subject of a development plan. Smith is a resident of Gloucester, Massachusetts and long time opponent of the plaintiffs' proposed development of the Gloucester property.

The plaintiffs claim that the defendant has made false and defamatory statements concerning one or all of them on the defendant's website, the defendant's newsletter and in letters the defendant has mailed to certain plaintiffs and their employees. Smith denies that these statements are false and claims that they are otherwise constitutionally protected speech.

Plaintiffs further allege that Smith has trespassed upon their property and engaged in various actions of harassment of some of the plaintiffs. Smith denies that he has trespassed on property owned by the plaintiffs or engaged in any harassment against the plaintiffs.

Smith has brought a counterclaim in which he contends that he is the lawful owner of a parcel of property that his father, Charles Smith, deeded to the plaintiffs Joanne Hoffman Sheffel, Katharine Hoffman Senn, and Harriet Hoffman Kerr. In his counterclaim Smith further contends that he has acquired an easement by prescription to pass and re-pass over other parcels of real estate that are the subject of the plaintiffs' subdivision and redevelopment plan. The plaintiffs deny Smith's claims to title or prescriptive easement regarding any property that is at issue in this case.

B. Defendant's Position

Defendant has not proposed a submission.

IV. UNUSUAL LEGAL ISSUES

A. Plaintiff's Position

Plaintiffs do not anticipate any unusual legal issues.

B. Defendant's Position

Defendant has not proposed a submission.

V. WITNESSES

A. Plaintiffs' Anticipated Fact Witnesses

Plaintiffs intend to call as witnesses some or all of the plaintiffs and the defendant. The plaintiffs may also call the following witnesses:

1. Thomas Ford  
Georgetown, MA

2. Raul Ascencio  
Glenn Ridge, NJ
3. Deborah Senn  
Las Vegas, NV
4. Mary Senn  
Hampton, NJ
5. Wayne Korteweg  
Glenn Ridge, NJ

As discovery is ongoing, plaintiff reserves the rights to supplement this witness list upon reasonable notice to the Court and the defendant.

**B. Defendant's Anticipated Fact Witnesses**

The following pages are a preliminary list of potential witnesses to be called. (The unconstitutional injunction in this case is hindering this investigation) Also served upon Robert Pierce through first class mail, under pains of perjury.

**Preliminary Witness List as of October 24<sup>th</sup> 2007 for 06 - 01807 ( C )**

Jonathan Blodgett, Essex County District Attorney Office 10 Federal Street Salem Ma.  
A.J. Camelio, Essex County District Attorney Office 10 Federal Street Salem Ma.  
Thomas Donovan Essex County District Attorney Office 10 Federal Street Salem Ma.  
Stephen O'Connell, Essex County District Attorney Office 10 Federal Street Salem Ma.  
Carolyn Ward of the Attorney Generals Office Boston  
Shep Abbott 1135 Washington ST. Gloucester  
Peter Aberle 6 Gurdens Lane Gloucester  
David Adams 21 Walker St. Gloucester  
Astrid AfKlinteberg 1087 Washington ST. Gloucester  
Lila AfKlinteberg 1087 Washington ST. Gloucester  
Sten AfKlinteberg 1087 Washington ST. Gloucester  
John Ahonen Viking Street Gloucester  
Elizabeth Ahonen Viking Street Gloucester  
Doris Alto 21 Wheeler St. Gloucester  
John Alto 21 Wheeler St. Gloucester  
Peter Anastas 9 Page St. Gloucester  
Nancy Andrew 5 Ferry St. Gloucester



Thomas Andrew 5 Ferry St. Gloucester  
Robert Armstrong 85 Granite St. Rockport  
Antonio Ascenzo 2 Gilbert Rd. Gloucester  
Gregg Bach 10 Folly Point Rd. Gloucester  
Nicola Bach 10 Folly Point Rd. Gloucester  
Arthur Baggs 29A Langsford St. Gloucester  
Tory Bagshaw 22 Lake Rd. Gloucester  
Gordon Baird 27 Fort Hill Rd. Gloucester  
Ann Banks 25 Andrews St. Gloucester  
David Beddus 2 Breezy Point Rd.  
Hazel "Jane" Beddus 2 Breezy Point Rd.  
John Bell 257 East Main St. Gloucester  
Mac Bell 2 Doljivers Neck Gloucester  
Ray Bentley 8 Rockwood Lane Gloucester  
Sheila Bentley 8 Rockwood Lane Gloucester  
Joyce Beaudet 4 Sea Fox Lane  
Paul Blanchard 1 Andrews St.  
Denise Blanchard Andrews St.  
William Breen 14 Emerald St. Gloucester  
Lise Breen 14 Emerald St. Gloucester  
Sandra Brosnan 10 Day Ave. Gloucester  
Richard Buck 548 Washington ST. Gloucester  
Sarah Buck 35 Coggeshall Rd. Gloucester  
Melenie Buck 35 Coggeshall Rd. Gloucester  
Abigale Buck 35 Coggeshall Rd. Gloucester  
Nickalas Buck 35 Coggeshall Rd. Gloucester  
Joseph Burke 15 Wishart Rd. Gloucester  
Ross Burton 1193R Washington St. Gloucester  
Pam Burton 1193R Washington St. Gloucester  
Peter Cahill 83 Eastern Ave. Gloucester (Former Lawyer For Plaintiffs)  
Jon Conant State Prison (Former Lawyer For Plaintiffs)  
Irving Camille 23 Langsford St. Gloucester  
Micheal Camillp 23 Langsford St. Gloucester  
Lori Camille 23 Langsford St. Gloucester  
Charlotte Chane 310 Concord St. Gloucester  
Joseph Ciolino 28 High Popples Rd.  
John Clarke Walker St. Gloucester  
Darlene Coakley 10 Andrews St. Gloucester  
cody  
Fred Cowan 660 R Washington St. Gloucester  
Damon Cummings 1063 Washington St. Gloucester  
Jane Danakis 18 Revere St Gloucester  
Justin Demetri 1 Beach Ct. Gloucester  
Anne Deneen 3 Duley St. Gloucester  
James Destino 14 Morton Place Gloucester

Barbara Drake 10 Rockwood Lane Gloucester  
Elizabeth Duff 2 Cross St. Gloucester  
Sarah Dunlap 3 Mason Sq. Gloucester  
Cindy Dunn 7 Rose Ln. Gloucester  
Patricia Earle 74 Langsford St. Gloucester  
Richard Earle 74 Langsford St. Gloucester  
Harold Ercolani formerly 89 Eastern Ave. Gloucester  
Edwin Erickson 60 Holly St. Gloucester  
Jeneth Fahey 19 Grapevine Rd. Gloucester  
William Febiger 47 Bray St. Gloucester  
Meredeth Fine 20 Eastern Ave. Gloucester  
Ronald Fleet 37 Norseman Ave. Gloucester  
Eleanor Fleet 37 Norseman Ave. Gloucester  
Racheal Freed D.E.P.  
Jay Frontiero Coggeshall Rd. Gloucester  
Richard Gaines 55 Quarry St. Gloucester  
G.D.T. /Lawrence Eagle Tribune Reporter Frank Garrison 62 High St. Gloucester  
Janet Garrison 62 High St. Gloucester  
Judith Geneen  
Richard Gendreau 1 Youngs Rd. Gloucester  
Richard Gonzalves 3 Norman Ave. Gloucester  
Danial Greenbaum 318 Essex Ave. Gloucester  
James Groves 50 Revere St, Gloucester  
Jason Grow 12 Marble Rd. Gloucester  
James Hafey 2 Andrews St. Gloucester  
Jackie Hardy 29, Cherry St. Gloucester  
Kathy Heinz 38 Stanwood Ave. Gloucester  
Russell Hobbs 1166 Washington St, Gloucester  
Melissa Hobbs 1166 Washington St. Gloucester  
Arlen Holland 3fl Oak St. Gloucester  
Charles Holmes Coggeshall Rd.  
Susan Holmes Coggeshall Rd.  
Paul Hubbard 20 Pew Ave. Gloucester  
George Iacono 52 Salt Island Rd. Gloucester  
Sheila Joseph formerly Starknaught Heights  
John Judd  
Gary Joseph 6R Starknaught Heights Gloucester  
Steven Kenyon 29 Stanwood Ave. Gloucester  
Carolyn Kirk 16 Highland St. Gloucester  
William Kirk 16 Highland St. Gloucester  
Barbara Lambert 27 Vine St. Gloucester  
Arthur Lieno 66 Langsford St. Gloucester  
Kathryn Lordan 29R Chester Sq. Gloucester  
Bruce Maki 14 Salt Island Road Gloucester  
Christian Maki 31 Coggeshall Rd. Gloucester

Susanne Maki 31 Coggeshall Rd. Gloucester  
William Maki 31 Coggeshall Rd. Gloucester  
Emily Maki 31 Coggeshall Rd. Gloucester  
Noel Mann 12 Dorset Dr. Gloucester  
Cyril Means Salt Island Rd. Gloucester  
Cory Mayo 26 Pine St. Gloucester  
Kathy Mollica 26 Pine St. Gloucester  
James Marr Thatcher Rd.  
Micheal Mcleod 27 Wheeler St.  
Lt. Joseph Aiello Gloucester Police Department  
Johathan MacDonald 36 Coggeshall Rd.  
Bruce Macdonald 38 Coggeshall Rd.  
Owen Macdonald 38 Coggeshall Rd.  
Nathan Macdonald 38 Coggeshall Rd.  
Andrew Macdonald 38 Coggeshall Rd.  
John Martin Jr. Coggeshall Rd.  
Rita Martin Crawley Coggeshall Rd.  
Danial Crowley Coggeshall Rd.  
Ann Martin Coggeshall Rd.  
Gerard Martin Coggeshall Rd.  
Paul Martin Coggeshall Rd.  
Kathy Martin Coggeshall Rd.  
Lauri Martin Coggeshall Rd.  
Cristopher Cordts Coggeshall Rd.  
Bernard Cordts Coggeshall Rd.  
Cecelia Cordts Ryan Coggeshall Rd,  
Micheal Ryan Coggeshall Rd.  
Claudia Cordts Coggeshall Rd.  
Marian Henahan Coggeshall Rd.  
Paul Henahan Coggeshall Rd.  
Grace Cordts Coggeshall Rd.  
Stephen Hung Wellesly  
Joan Hung Wellesly  
Karin Kerr  
Jenifer Sweet Coggeshall Rd.  
Gwen Macdonald 36 Coggeshall Rd.  
Robert Macdonald 36 Coggeshall Rd.  
Janet Andrews - S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Joseph Augienello - S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Bart Bascio S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Duncan Berry S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Harold Borzone S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Carol Boyko S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Ellen Caulfield S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Tina Couch S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.

Jennifer Davenport S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Joan Demerest S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Ron Ditmars S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Kirk Efflinger S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Glynn Faasse S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Dorothy Fayerweather S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Dierdre Flannery S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Kenneth Flug S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Jennifer Foglia S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Ron Gaetano S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Stephanie Gantz S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Alexandra Giannotti S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Celia Gonzalez S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Irene Green S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Arlene Hartman S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Kenneth Horwitz S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Janine Hunter S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Susan Kim S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Judith Kuhlman S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Kathryn Landi S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Gretchen Lee S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Danial Lipper S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Natasha Ludlow S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Linda Mallaney S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Kenneth McCort S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Yvonne McCort S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Patrica Mclean S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Martin Messano S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Margaret Mcssano S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Lakisha Mitchell S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Jackie Moro S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Laura Nietzer S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N. J.  
John O'Brian S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Herbert Ostern S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Laly Porras S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Katherine Phillipp S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Catherine Reed S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Bernard Revoir S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Wendy Rhoads S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Andrew Rork S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Louis Saltrelli S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Christy Sokaski S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Renee Steinberg S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Alice Steinke S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Edward Stengal S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.

Evan Strager S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Rande Styger S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Michele Susman S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Kristine Sweeny S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Margaret Talbof S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Barbara Treue S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Donald Treue S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Gayle Tuccio S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Ruth Vaclavik S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Danial Van Kampen S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Enrico Van Sickell S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Robert Waters S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Jane Wenning S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Cynthia Woolford S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Mary Ellen Zittel S.R.D.S. 147 Chestnut Ridge Rd. Saddle River N.J.  
Also incorporating all alumni and past employees of The Saddle River Day School

## VI EXPERT WITNESSES

### A. Plaintiffs' Anticipated Expert Witnesses

Plaintiffs believe that expert testimony will not be necessary. However, if defendant claims that there are issues relating boundaries, the plaintiffs may call as an expert witness a surveyor to establish the bounds of the plaintiffs' property.

### B. Defendant's Anticipated Expert Witnesses

None listed.

## VII. ESTIMATED LENGTH OF TRIAL

### A. Plaintiff's Position

The plaintiffs believe that this case should be tried jury waived, and the trial should take 3 or 4 days.

### B. Defendant's Position

As stated on October 15<sup>th</sup>, a proper trial should take eight months, or until this court understands what is occurring, and criminally prosecutes Robert Pierce and his clients

themselves, as is the proper thing to do.

After Criminal Prosecution of the Plaintiffs and Robert Pierce, it is hoped that the court will award proper compensation to the defendant.

#### VIII. SETTLEMENT DISCUSSIONS

##### A. Plaintiff's Position

Plaintiffs and their counsel are generally amenable to the resolution of this case short of trial. However, in light of the demand for \$24 Million by the defendant, as well as his bizarre behavior and absurd allegations concerning the undersigned counsel, plaintiffs believe that any settlement discussions would not be fruitful.

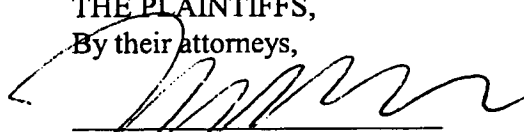
##### B. Defendant's Position

Defendant has not proposed a submission.

Respectfully Submitted

THE PLAINTIFFS,

By their attorneys,



Robert R. Pierce (BBO # 549172)

Pierce & Mandell, P.C.

11 Beacon Street

Suite 800

Boston, MA 02108

(617) 720-2444

Dated: \_\_\_\_\_

11/21/07

\_\_\_\_\_  
Gregg B. Smith, *pro se*

3 Barker Ave.

Gloucester, MA 01930

Dated: \_\_\_\_\_