

McLAUGHLIN, RICHARDS, BILLER & SCHINDEL, LLP

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November 7, 2017

VIA EMAIL

Mr. David Elbery

Ms. Joyce Elbery

Ms. Kathleen Elbery

Mr. Michael Elbery

Mr. Robert Elbery

William Crowe, Esq.

RE: June Elbery Estate

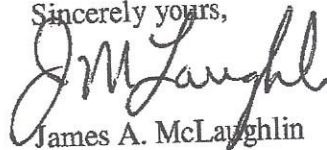
To All:

Enclosed please find a copy of my Pre-Trial Memorandum to be filed with the Norfolk Probate Court for the Pre-Trial Hearing on Friday, November 10, 2017.

My understanding from the Pre-Trial conference call with Michael is that the only objection he currently has regarding the First Account is an objection to my fees. I am enclosing herewith a copy of an itemization of my time and expenses for your review.

I encourage all to attend the Pre-Trial Hearing at 9:00 a.m. at the Norfolk Probate Court on Friday, November 10, 2017.

Sincerely yours,



James A. McLaughlin

hm

enc.

Elbery-email110717

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

PROBATE AND FAMILY COURT
DOCKET No. 15P1491-EA

ESTATE OF JUNE E. ELBERY

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PRE-TRIAL MEMORANDUM OF
JAMES A. McLAUGHLIN AS
PERSONAL REPRESENTATIVE
OF THE ESTATE OF JUNE E. ELBERY

Now comes James A. McLaughlin as the Personal Representative of the June E. Elbery Estate and submits the following Pre-Trial Memorandum:

A. A telephone conference call was held on November 1, 2017 between Michael Elbery and James A. McLaughlin;

B. Personal Representative's Statement of Facts:

(1) June E. Elbery deceased intestate on March 26, 2015 survived by four children and one child of a deceased child;

(2) A Petition for Formal Probate was filed on June 3, 2015 by David Elbery;

(3) On or about June 24, 2015, Michael Elbery filed an Appearance and Objection;

(4) On or about December 4, 2015, Stephen J. Hanna was appointed as Personal Representative;

(5) On or about December 28, 2015, Stephen Hanna filed a Probate Inventory with this Court;

(6) On or about May 31, 2016, Stephen Hanna resigned as Personal Representative;

(7) On or about June 24, 2016, Stephen Hanna filed a Petition for Complete Settlement and First and Final Account;

(8) On or about July 5, 2016, a Decree of Final Settlement was entered;

(9) On or about May 31, 2016, James A. McLaughlin was appointed as Successor Personal Representative;

*because
David is a
thief &
Michael Elbery
won resulting
in page being
removed*

*leaving
\$62,250 cash
in the Estate
Bank Account
undistributed
to the heirs, so
McLaughlin
would have
\$ to steal.*

(10) On or about June 2, 2017, James A. McLaughlin, as Personal Representative, filed an Inventory and First Probate Account for the period May 31, 2016 to June 8, 2017;

(11) On or about June 13, 2017, Michael Elbery filed an Appearance and Objection to the Probate Account;

(12) On or about June 13, 2017, Michael Elbery filed a Notice of Appearance and Objection to First Account;

C. Statement of Contested Issues:

Michael Elbery's objection to the First Probate Account dated October 4, 2017 listed eleven (11) itemized objections.

During the Pre-Trial telephone conference call, Michael Elbery stated that the only remaining objection is the payment of fees to James A. McLaughlin as Personal Representative.

Whether or not Michael Elbery should be assessed costs and fees for the contested Account proceedings.

D. Discovery:

The Personal Representative intends to take the deposition of Michael Elbery.

E. Not applicable.

F. Witnesses:

- (1) James A. McLaughlin
- (2) David Elbery
- (3) Joyce Elbery
- (4) Kathleen Elbery
- (5) Stephen Hanna

The Personal Representative reserves the right to supplement this list prior to trial.

G. Exhibits:

- (1) First and Final Account of Stephen Hanna
- (2) Probate Inventory of James A. McLaughlin

*McLaughlin
wants a
Trial on
his fees
before his
friend
Judge
John D.
Casey*

*Objection to McLaughlin's
Fraudulent Fees & Pay-offs to
Attorney Kathleen Elbery*

*McLaughlin got scared & agreed not to
make pay-offs to Kathleen, David, Joyce.*

*- Michael Elbery
told McLaughlin
to shake his
tail*

- (3) First Probate Account of James A. McLaughlin
- (4) Draft First and Final Account of James A. McLaughlin
- (5) Statement of Objections by Michael Elbery
- (6) Court Order dated October 16, 2017
- (7) Letter dated September 20, 2016 from James A. McLaughlin to Estate beneficiaries
- (8) Deed of Distribution dated May 11, 2017
- (9) Time records for James A. McLaughlin
- (10) Norfolk Probate Court Docket sheets
- (11) Court Filings by Michael Elbery

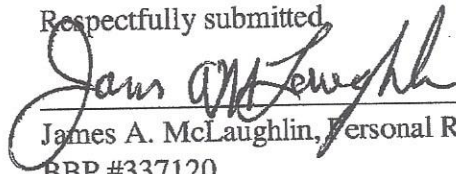
The Personal Representative reserves the right to supplement the above list prior to trial.

H. Depositions:

The Personal Representative will use the deposition of Michael Elbery.

- I. Trial time is estimated at three (3) hours.

Respectfully submitted,



James A. McLaughlin, Personal Representative
BBP #337120

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