

Commonwealth of Massachusetts
County of Franklin
The Superior Court

Civil Docket FRCV2007-00132

RE: Elbery v Patlin et al

TO: Michael Elbery
105 Laurel Street Apt. 8B
Lee, MA 01238

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **06/16/2008**:

RE: Defendant, Patlin Enterprises, Inc.'s MOTION TO DISMISS


is as follows:

MOTION (P#25:) DENIED as to Counts I, II, III, VII and XI. ALLOWED as to Count VIII, as plaintiff has not alleged, in his Complaint, that he made a written demand upon Patlin Enterprises, Inc. requesting relief pursuant to G.L. c. 93A, sec. 9 (3), at least thirty days prior to filing this Amended Complaint.

ALLOWED as to Counts IX (Extortion), X (mail fraud) and XII (RICO) as Counts IX and X do not set forth recognized civil claims for which relief can be granted, and Count XII does not alleged specific instances (more than one in number) of racketeering activity.

Dated at Greenfield, Massachusetts this 17th day of June, 2008.

By the Court (Mary-Lou Rup, J.)


Eve M. Blakeslee, Clerk/Magistrate

Notices mailed 6/17/08