

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHAEL ELBERY, )  
Plaintiff )  
v. ) CIVIL ACTION NO.  
 ) 98-CV-10163-MLW  
ROBERT SHEKETOFF, )  
KIMBERLY HOMAN and )  
SHEKETOFF & HOMAN, )  
Defendants )

and

MICHAEL ELBERY, )  
Plaintiff )  
v. ) CIVIL ACTION NO.  
 ) 97-11743-MLW  
DANIEL SKLUT, JAMES CARLIN, )  
STEPHEN FAUCHER, CARL HANSON, )  
CHESTER JOHNSON, JAMES HURLEY, )  
WAYNE SAMPSON, ROBERT McGINLEY, )  
and THE TOWN OF SHREWSBURY )  
Defendants )

**AFFIDAVIT OF KAREN L. MACNUTT, ESQUIRE**

I, Karen L. MacNutt, Esquire, do hereby depose and state under oath:

1. I am an attorney in good standing and duly authorized to practice law in the Commonwealth of Massachusetts. I make the following statements based upon personal knowledge.

2. On various occasions in the past, I have been contacted by the plaintiff in the above-captioned action, Michael Elbery.

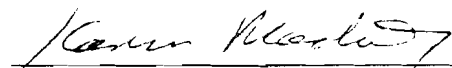
3. At one point, Mr. Elbery and I discussed this case and he requested that I serve as his expert. I informed him of my hourly rate and advised him that I would require a retainer in

order to serve as his expert.

4. Mr. Elbery never retained me to serve as his expert in this case, nor did he ever pay me the retainer we discussed.

5. I did not prepare, nor did I knowingly assist Mr. Elbery in preparing the Plaintiff's Response to Defendant's Second Set of Interrogatories.

Signed under the pains and penalties of perjury this 2<sup>nd</sup> day of October 2000.

  
Karen L. MacNutt, Esquire

CERTIFICATE OF SERVICE

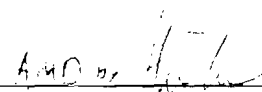
I, Anthony M. Doniger, attorney for the defendants, Robert Sheketoff, Kimberly Homan and Sheketoff & Homan, hereby certify that on this 21<sup>st</sup> day of October 2000, I served the foregoing Affidavit of Karen L. MacNutt upon the other parties to this litigation by causing copies thereof to be sent by first-class mail, postage pre-paid to:

Michael Elbery  
P.O. Box 9106  
M.C.I. Concord  
Concord, MA 01742

Michael Elbery  
168 Fairfield Street  
Needham, MA 02192

Gerald Fabiano, Esquire  
Pierce, Davis & Perritano, LLP  
Ten Winthrop Square  
Boston, MA 02110

and to all counsel of record in the consolidated cases.

  
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Anthony M. Doniger