

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 07-12067-RGS

ROBERT SMITH, et al.

v.

DWIGHT JENKINS, et al.

AMENDED JUDGMENT

November 15, 2011

STEARNS, D.J.

Pursuant to the court's October 11, 2011, Memorandum and Order judgment will enter as follows:

1. Louis Bertucci

Judgment enters in favor of Robert Smith against defendant Louis Bertucci on Smith's claim of fraud and violation of Mass. Gen. Laws ch. 93A (Chapter 93A). Judgment enters in the amount of \$188,865. This amount comprises the following:

The jury awarded Smith \$25,000 against Bertucci on Smith's claim of fraud. The court trebled the jury award to \$75,000 pursuant to Chapter 93A. Interest at 12% per annum is assessed on the jury award from the date of the commencement of the action on October 1, 2007, through October 26, 2011 (the date of the original judgment), in the amount of \$12,205. Mass. Gen. Laws ch. 231, § 6B. Bertucci is also

assessed \$101,660, which equals his proportional share of attorneys' fees and costs.

2. Dwight Jenkins

Judgment enters in favor of Robert Smith against defendant Dwight Jenkins on Smith's claims of fraud, breach of contract, breach of fiduciary duty, and violation of Chapter 93A. Judgment enters in the amount of \$566,128. This amount comprises the following:

The jury awarded Smith \$85,000 against Jenkins on Smith's common-law claims. The court trebled the jury award to \$225,000 pursuant to Chapter 93A. Interest at 12% per annum is assessed on the jury award from the date of the commencement of the action on October 1, 2007, through October 26, 2011, in the amount of \$41,499. Mass. Gen. Laws ch. 231, § 6B. Jenkins is also assessed \$299,629, which equals his proportional share of attorneys' fees and costs.

3. New England Merchants Corp. (NEMC)

Judgment enters in favor of Robert Smith against defendant NEMC on Smith's claims of fraud, breach of fiduciary duty, and violation of Chapter 93A. Judgment enters in the amount of \$258,174. This amount comprises the following:

The jury awarded Smith \$50,000 against NEMC on Smith's common-law claims. The Court doubled the jury award to \$100,000 pursuant to Chapter 93A. Interest at 12% per annum is assessed on the jury award from the date of the

commencement of this action on October 1, 2007, through October 26, 2011, in the amount of \$24,411. Mass. Gen. Laws ch. 231, § 6B. NEMC is also assessed \$133,763 which equals its proportional share of attorneys' fees and costs.

4. Dorchester Real Estate d/b/a Century 21

Judgment enters in favor of Smith against defendant Century 21 on Smith's claims of fraud and breach of fiduciary duty. Judgment enters in favor of Century 21 on Smith's Chapter 93A claim. Judgment enters in the amount of \$74,411. This amount comprises the following:

The jury awarded Smith \$50,000 against Century 21 on Smith's common-law claims. Interest at 12% per annum is assessed on the jury award from the date of the commencement of the action on October 1, 2007, through October 26, 2011, in the amount of \$24,411. Mass. Gen. Laws ch. 231, § 6B.

5. Other parties

Judgment enters in favor of defendants Robert Kelley, RKelley-Law, P.C., Mid-City Mortgage, LLC, Signature Group Holdings, Inc. (a/k/a Fremont), RE/MAX, Union Capital Business Mortgage Trust, Cherry Jenkins, and Dorea Smith.

Judgment enters against plaintiff Maria Dasilva on all claims.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE