

STATE OF MAINE  
ANDROSCOGGIN, ss.

SUPERIOR COURT  
CIVIL ACTION  
Docket No. CV-08-190  
TED - AND - 2/25/2010

TOM WEISS,  
Plaintiff

RECEIVED & FILED

FEB 25 2010 ✓

v.

ANDROSCOGGIN JUDGMENT  
SUPERIOR COURT

THAYER CORPORATION,  
Defendant

**A. On Plaintiff's Complaint for Commission (26 M.R.S. § 626)**

Pursuant to the verdict of the jury, judgment will be entered for plaintiff Tom Weiss against defendant Thayer Corporation in the amount of \$44,700 plus pre-judgment interest at the rate of 6.42%<sup>1</sup> from the date of the filing of the complaint,<sup>2</sup> and post-judgment interest at the rate of 9.42%.<sup>3</sup> To this sum the court adds "an additional amount equal to twice the amount [of the judgment, \$89,400,] as liquidated damages"<sup>4</sup> for a total of \$134,100.

As the prevailing party on the complaint, the plaintiff is entitled to costs of suit as allowed by statute and rule.<sup>5</sup>

The plaintiff is also awarded attorney fees;<sup>6</sup> however, any claim for counsel fees is limited to prosecution of the claim for unpaid commissions and not to the defense of defendant's claim on the promissory note.

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<sup>1</sup> 14 M.R.S. § 1602-B(3)(A).

<sup>2</sup> October 7, 2008, 14 M.R.S. § 1602-B(5).

<sup>3</sup> 14 M.R.S. § 1602-C(1)(B)(1).

<sup>4</sup> 26 M.R.S. § 626.

<sup>5</sup> 14 M.R.S. §§ 1502-B, 1502-C, and M.R. Civ. P. 54.

## **B. On Defendant's Claim on the Promissory Note**

The court has previously entered judgment for Thayer Corporation<sup>7</sup> on the promissory note (Note) executed by Tom Weiss on December 8, 2007.<sup>8</sup> Interest on the note is determined at "the rate set forth in the . . . note." 14 M.R.S. §§ 1602-B(2) and 1602-C (8% from December 7, 2007, to June 30, 2008, and 18% thereafter<sup>9</sup>).

As the prevailing party on the claim for judgment on the promissory note, Thayer Corporation is entitled to costs of suit as allowed by statute and rule.

Thayer Corporation is also awarded attorney fees and "costs of collection" outside of costs allowed by statute and rule.<sup>10</sup> Any claim for attorney fees is limited to prosecution of the claim on the Note and not to defense of plaintiff's claim for commissions.

## **C. Judgment**

The clerk shall make the following entries as the judgment of the court:

1. a. Judgment for plaintiff Tom Weiss against Thayer Corporation in the amount of \$44,700 plus pre-judgment interest of 6.42% and post-judgment interest of 9.42%
- b. Plaintiff Tom Weiss is entitled to an additional sum of \$89,400 as liquidated damages, plus post-judgment interest of 9.42%.
- c. Plaintiff Tom Weiss is also awarded costs as allowed by statute and rule and attorney fees as provided in this Order.

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<sup>6</sup> 26 M.R.S. § 626.

<sup>7</sup> See Order on Motion for Summary Judgment dated June 18, 2009.

<sup>8</sup> The signature portion of the promissory note is dated December 7, 2008; however, Weiss testified and agrees that it was actually signed on December 7, 2007.

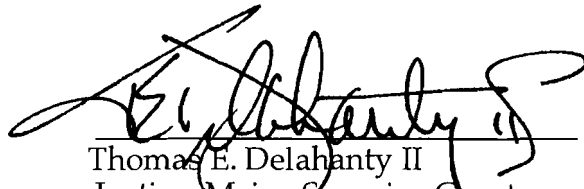
<sup>9</sup> See separate order of this court.

<sup>10</sup> As provided in paragraph 7 of the promissory note: "If any payment obligation under this Note is not paid when due, the Borrower promises to pay all costs of collection, including reasonable attorney fees, whether or not a lawsuit is commenced as part of the collection process."

2. a. Judgment for Thayer Corporation against Tom Weiss plus interest at 8%, compounded daily, from December 7, 2007, to June 30, 2008 and at 18% annually from July 1, 2008, until paid.
- b. Thayer Corporation is also awarded costs as allowed by statute and rule and costs of collection and attorney fees as provided in this Order.
3. The total amount owed by Tom Weiss to Thayer Corporation may be set off as a credit against the total amount owed to Weiss by Thayer Corporation.

SO ORDERED.

DATED: February 25, 2010



Thomas E. Delahanty II  
Justice, Maine Superior Court

STATE OF MAINE  
ANDROSCOGGIN, ss.

SUPERIOR COURT  
CIVIL ACTION  
Docket No. CV-08-190

RECEIVED & FILED

FEB 25 2010

ANDROSCOGGIN  
SUPERIOR COURT

TOM WEISS,  
Plaintiff

v.

**ORDER FOR INTEREST  
ON PROMISSORY NOTE**

THAYER CORPORATION,  
Defendant

During the term of plaintiff's employment with defendant, he executed a promissory note (Note) in favor of the defendant in the amount of \$15,000, plus interest. In return, Thayer loaned \$15,000 to plaintiff at a time when he was experiencing financial difficulties.

The loan has not been repaid and is currently in default. The Note provides for payment of interest at 8%, compounded daily, from the date of the Note (December 7, 2007) to the due date of June 30, 2008. After the due date, interest accrues at 18% annually on any unpaid principal.

Subsequent to the plaintiff initiating this lawsuit for unpaid commissions, the defendant filed a separate suit in the District Court to collect on the Note. Weiss filed a counterclaim asserting the same claims originally made in this case. The court dismissed the counterclaim and ordered, *sua sponte*, that the complaint on the Note be consolidated into plaintiff's original action.<sup>1</sup>

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<sup>1</sup> See court's Order dated February 10, 2008, in docket no. CV-09-004.

After consolidation, this court granted Thayer's motion for summary judgment on the Note,<sup>2</sup> but reserved judgment as to the full amount due based on the uncertainty of the final sums to be determined due to each other..

Weiss objects to the rate of 18% for interest as unconscionable. Thayer Corporation asserts that 18% interest is allowed by statute on consumer credit sales. 9-A M.R.S. § 2-201(2)(B). Even though this is not a consumer credit transaction, the defendant argues it is analogous and relevant; that if an interest rate of 18% is allowed for a consumer transaction, it ought to be permissible here.

Weiss argues that he was at an economic disadvantage and that the Note was given to him to sign, as is, that he did not know about an interest rate, and the interest rate was not discussed or negotiated.

After trial and during jury deliberations on Weiss's complaint, the court heard evidence on Weiss's claim of unconscionability.

The court finds that in December 2007 Weiss was in a financial bind because he had not received a commission from the on-going DDII project. Without the commission, his income was about 50% of his normal compensation.

Weiss believed that he may be able to secure an advance against his future commissions and approached Dan Thayer, president of Thayer Corporation. Weiss hoped an arrangement would be at 0% interest.

Dan Thayer explained that it was against company policy to provide an advance on commissions, but he would approve a loan on a promissory note on the same terms as he had done for other employees on prior occasions. Weiss was referred to David Reed, business systems manager, to work out the details.

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<sup>2</sup> See court's Order dated June 18, 2009, in docket no. CV-08-190.

The following day, Weiss received a check for \$15,000 and he executed the Note. He claims that Reed presented the Note, folded over, and said, "sign here." Even though the Note was two pages, he signed on the second page and never reviewed, read or asked to see the first page.

There is no indication that Weiss approached a bank, credit union, other lenders or another party to obtain a loan. He had been employed by Thayer for more than five years and felt comfortable with his relationship with the company and Dan Thayer. He was hoping to obtain an advance on very favorable terms. Even if he did not know about the interest rates at the time he signed the Note, he never objected to any of the terms until Thayer attempted to collect after Weiss' default. The court also notes that the interest rate increased from 8% to 18% only after the Note was not paid by the due date. When it remained unpaid on June 30, 2008, Weiss made no attempt to renegotiate the terms.

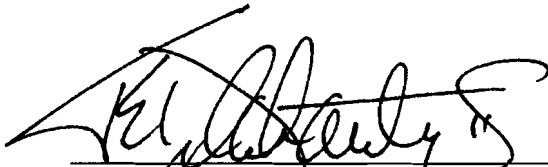
The court finds that there was no disparate relationship between the parties that makes the 18% unconscionable. On the contrary, Weiss was very comfortable in approaching his employer. When Dan Thayer did not approve a straight advance on commissions, Weiss should have inquired further about the terms of any loan: He was just very happy to get the funds.

The judgment for Thayer Corporation on the Note shall include interest at the rate of 8% from December 7, 2007, to June 30, 2008, and at 18% from July 1, 2008, until the Note is paid in full.

The clerk shall incorporate this Order onto the docket by reference. M.R. Civ. P.  
79(a).

SO ORDERED.

DATED: February 25, 2010



Thomas E. Delahanty II  
Justice, Maine Superior Court

TOM WEISS - PLAINTIFF

Attorney for: TOM WEISS  
HOWARD REBEN - RETAINED 10/07/2008  
REBEN, BENJAMIN & MARCH  
97 INDIA STREET  
PO BOX 7060  
PORTLAND ME 04112-7060

SUPERIOR COURT  
ANDROSCOGGIN, ss.  
Docket No AUBSC-CV-2008-00190

**DOCKET RECORD**

THAYER CORPORATION - PLAINTIFF

vs

THAYER CORPORATION - DEFENDANT

Attorney for: THAYER CORPORATION  
REBECCA S WEBBER - RETAINED 10/29/2008  
LINNELL CHOATE & WEBBER LLP  
83 PLEASANT STREET  
PO BOX 190  
AUBURN ME 04212-0190

TOM WEISS - DEFENDANT

Filing Document: COMPLAINT  
Filing Date: 10/07/2008

Minor Case Type: OTHER STATUTORY ACTIONS

**Docket Events:**

10/07/2008 FILING DOCUMENT - COMPLAINT FILED ON 10/07/2008

10/07/2008 Party(s): TOM WEISS  
ATTORNEY - RETAINED ENTERED ON 10/07/2008  
Plaintiff's Attorney: HOWARD REBEN

10/07/2008 CERTIFY/NOTIFICATION - CASE FILE NOTICE SENT ON 10/07/2008

10/27/2008 Party(s): THAYER CORPORATION  
SUMMONS/SERVICE - CIVIL SUMMONS SERVED ON 10/14/2008  
TO DEF IN HAND

10/27/2008 Party(s): THAYER CORPORATION  
SUMMONS/SERVICE - CIVIL SUMMONS FILED ON 10/27/2008

10/30/2008 Party(s): THAYER CORPORATION  
RESPONSIVE PLEADING - ANSWER & AFFIRMATIVE DEFENSE FILED ON 10/29/2008

10/30/2008 ORDER - SCHEDULING ORDER ENTERED ON 10/30/2008  
JOYCE A WHEELER , JUDGE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL

10/30/2008 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 06/30/2009

10/30/2008 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 10/30/2008  
JOYCE A WHEELER , JUDGE



10/30/2008 Party(s): THAYER CORPORATION  
ATTORNEY - RETAINED ENTERED ON 10/29/2008  
Defendant's Attorney: REBECCA S WEBBER

11/05/2008 Party(s): THAYER CORPORATION  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 11/05/2008  
DEF'S FIRST REQUEST FOR DOCS AND FIRST SET OF INTERROGATORIES REQUESTED OF PLT SERVED ON  
HOWARD T. REBEN, ESQ. ON 11/04/08.

12/01/2008 Party(s): TOM WEISS  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 12/01/2008  
PLT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES  
PROPOUNDED ON DEFENDANT SERVED ON REBECCA WEBBER, ESQ. ON 11-26-08

12/03/2008 Party(s): TOM WEISS  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 12/03/2008  
PLT'S RESPONSES TO DEF'S FIRST REQUEST FOR PRODUCTION OF DOCS AND ANSWERS TO DEF'S FIRST  
SET OF INTERROGATORIES SERVED ON REBECCA WEBBER, ESQ. ON 12/03/2008.

12/15/2008 Party(s): THAYER CORPORATION  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 12/12/2008  
THAYER'S SECOND REQUEST FOR DOCUMENTS SERVED ON HOWARD REBEN, ESQ. ON 12/11/2008.

12/23/2008 Party(s): TOM WEISS, THAYER CORPORATION  
ADR - NOTICE OF ADR PROCESS/NEUTRAL FILED ON 12/23/2008  
THE MEDIATOR FOR THIS CASE IS ROBERT HOY, THE DATE HAS NOT YET BEEN SET.

02/13/2009 ORDER - REPORT OF ADR CONF/ORDER ENTERED ON 02/12/2009  
THOMAS E DELAHANTY II, JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL

02/13/2009 ORDER - REPORT OF ADR CONF/ORDER UNRESOLVED ON 02/12/2009  
THOMAS E DELAHANTY II, JUSTICE

03/04/2009 Party(s): THAYER CORPORATION  
SUBPOENA - SUBPOENA TO PRODUCE EVIDENCE FILED ON 03/03/2009

03/13/2009 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 03/13/2009  
THOMAS E DELAHANTY II, JUSTICE

03/23/2009 Party(s): THAYER CORPORATION  
MOTION - MOTION SUMMARY JUDGMENT FILED ON 03/17/2009  
DEF WITH SUPPORTING MEMORANDUM OF LAW, STATEMENT OF UNDISPUTED FACTS, AFFIDAVITS OF DAVID  
REED AND DANIEL THAYER AND PROPOSED ORDER REC'D 04-08-09: OPPOSITION WITH INCORPORATED  
MEMORANDUM AND OPPOSING STATEMENT OF MATERIAL FACTS AND ADDITIONAL MATERIAL OF FACTS  
FILED. REC'D 04-15-08: REPLY BY THAYER TO WEISS'S OPPOSITION WITH REPLY STATEMENT OF  
MATERIAL FACTS

04/03/2009 Party(s): THAYER CORPORATION  
DISCOVERY FILING - RULE 26(G) LETTER FILED ON 04/03/2009

04/08/2009 HEARING - 26(G) CONFERENCE HELD ON 04/07/2009

THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: REBECCA S WEBBER  
Plaintiff's Attorney: HOWARD REBEN  
DEPOSITIONS MAY BE HELD AT LOCATION DESIGNATED TO COUNSEL FOR PLAINTIFF. AS TO DISCOVERY  
DISPUTE RAISED BY PLAINTIFF'S COUNSEL FILED THIS DATE-COUNSEL FOR BOTH PARTIES SHALL  
CONFER AND ADVISE COURT IF FURTHER CONFERENCE IS REQUIRED. COPIES TO COUNSEL ON 4-8-09.

04/08/2009 Party(s): TOM WEISS  
DISCOVERY FILING - RULE 26(G) LETTER FILED ON 04/07/2009  
PLAINTIFFS

04/17/2009 Party(s): TOM WEISS, THAYER CORPORATION  
OTHER FILING - STIPULATION FILED ON 04/17/2009  
AND PROTECTIVE ORDER

04/23/2009 ORDER - COURT ORDER ENTERED ON 04/22/2009  
THOMAS E DELAHANTY II, JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL (RE: CONFIDENTIALITY AGREEMENT NOT BINDING TO THE COURT)

04/29/2009 Party(s): TOM WEISS  
MOTION - OTHER MOTION FILED ON 04/23/2009  
PLT MOTION TO SUPPLEMENT PLAINTIFF'S ADDITIONAL STATEMENT OF MATERIAL FACTS WITH  
SUPPLEMENT TO PLT'S ADDITIONAL STATEMENT OF MATERIAL FACTS WITH INCORPORATED MEMORANDUM OF  
LAW REC'D 04-28-09: DEFENDANT'S OPPOSITION FILED. REC'D 05-05-09: PLT'S REPLY FILED.  
REC'D 5-5-09: DEF REPLY TO PLT REPLY FILED.

05/06/2009 Party(s): TOM WEISS  
LETTER - FROM PARTY FILED ON 05/06/2009  
FROM ADRIENNE HANSEN, ESQ. REGARDING REPLY TO SUMMARY JUDGMENT

05/08/2009 HEARING - MOTION SUMMARY JUDGMENT SCHEDULED FOR 06/18/2009 @ 11:15

06/04/2009 Party(s): TOM WEISS  
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 06/04/2009  
MODIFY SCHEDULING ORDER

06/10/2009 Party(s): TOM WEISS  
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 06/10/2009  
THOMAS E DELAHANTY II, JUSTICE  
DISCOVERY DEADLINE IS EXTENDED TO OCTOBER 1, 2009. COPIES TO COUNSEL ON 6-10-09

06/10/2009 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 10/01/2009

06/19/2009 HEARING - MOTION SUMMARY JUDGMENT HELD ON 06/18/2009  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: HOWARD REBEN  
Plaintiff's Attorney: REBECCA S WEBBER  
TAPE NO 323 INDEX NO'S 4342-5381 MOTION FOR SUMMARY JUDGMENT GRANTED ON THE PROMISSORY  
NOTE ONLY. MOTION TO AMEND ANSWER IS PENDING, COUNSEL TO OPPOSE

06/19/2009 Party(s): TOM WEISS  
MOTION - OTHER MOTION MOOT ON 06/18/2009

THOMAS E DELAHANTY II, JUSTICE  
PLT MOTION TO SUPPLEMENT PLAINTIFF'S ADDITIONAL STATEMENT OF MATERIAL FACTS WITH  
SUPPLEMENT TO PLT'S ADDITIONAL STATEMENT OF MATERIAL FACTS WITH INCORPORATED MEMORANDUM OF  
LAW REC'D 04-28-09: DEFENDANT'S OPPOSITION FILED. REC'D 05-05-09: PLT'S REPLY FILED.  
REC'D 5-5-09: DEF REPLY TO PLT REPLY FILED.

06/19/2009 Party(s): THAYER CORPORATION  
MOTION - MOTION SUMMARY JUDGMENT GRANTED ON 06/18/2009  
THOMAS E DELAHANTY II, JUSTICE  
SEE JUDGMENT

06/19/2009 FINDING - JUDGMENT DETERMINATION ENTERED ON 06/18/2009  
THOMAS E DELAHANTY II, JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL

06/19/2009 ORDER - PARTIAL SUMMARY JUDGMENT ENTERED ON 06/18/2009  
THOMAS E DELAHANTY II, JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL  
Judgment entered for THAYER CORPORATION and against TOM WEISS in the amount of \$15000.00. AFTER  
REVIEW OF ALL RELEVANT PLEADINGS AND AFTER ORAL ARGUMENT, THE COURT FINDS THAT THERE IS NO  
DISPUTE AS TO MATERIAL FACTS AS TO THE EXISTENCE AND TERMS OF THE PROMISSORY NOTE AND THAT  
THAYER CORP. IS ENTITLED TO SUMMARY JUDGMENT, IN PART, THAT WEISS IS LIABLE TO THAYER FOR THE  
PRINCIPAL AMOUNT OF THE NOTE OF \$15,000 PLUS INTEREST; HOWEVER THERE IS A DISPUTE AS TO THE  
AMOUNT OF MONEY DUE TO WEISS, IF ANY, AND WHEN IT WAS DUE. THIS WILL EFFECT THE AMOUNT DUE  
FROM ONE PARTY TO THE OTHER; THEREFORE SUMMARY JUDGMENT IS NOT APPROPRIATE ON THE WHOLE CLAIM BY  
EITHER PARTY. SO ORDERED.

06/22/2009 Party(s): TOM WEISS  
MOTION - MOTION TO AMEND PLEADING FILED ON 06/17/2009  
AMEND ANSWER TO STATE ADDITIONAL AFFIRMATIVE DEFENSE REC'D 07-02-09: OPPOSITION FILED.  
REC'D 07-09-09: REPLY FILED.

06/22/2009 Party(s): TOM WEISS  
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 06/22/2009

06/22/2009 Party(s): TOM WEISS  
OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 06/22/2009

06/26/2009 Party(s): TOM WEISS  
OTHER FILING - OTHER DOCUMENT FILED ON 06/25/2009  
LETTER FROM THE OFFICE OF TRANSCRIPT PRODUCTION TO HOWARD REBEN, ESQ.

07/15/2009 Party(s): TOM WEISS  
MOTION - MOTION TO AMEND PLEADING GRANTED ON 07/14/2009  
THOMAS E DELAHANTY II, JUSTICE  
DEFENDANT MAY FILE AN AMENDED ANSWER WITH THE COURT. A RESPONSIVE PLEADING BY PLAINTIFF  
IS NOT REQUIRED. COPIES TO COUNSEL ON 7-15-09

08/27/2009 Party(s): THAYER CORPORATION  
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 08/27/2009

THAYER CORPORATION'S AGREED TO MOTION TO EXTEND THE DEADLINE FOR FILING DISPOSITIVE MOTIONS FOR TWO WEEKS IN ORDER TO ACCOMODATE THE NEED TO DELAY DEPOSITIONS, INCLUDING THAT OF WEISS, TO NEAR THE END OF THE DISCOVERY PERIOD.

08/28/2009 Party(s): THAYER CORPORATION  
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 08/28/2009  
THOMAS E DELAHANTY II, JUSTICE  
THE DEADLINE FOR FILING DISPOSITVIE MOTIONS IS HEREBY EXTENDED TO 11/13/09

09/17/2009 OTHER FILING - TRANSCRIPT FILED ON 09/16/2009  
OF HEARING ON JUNE 18, 2009

09/21/2009 Party(s): THAYER CORPORATION  
SUBPOENA - SUBPOENA TO TESTIFY FILED ON 09/21/2009  
ANDREW KRESSBACH

09/30/2009 Party(s): TOM WEISS  
MOTION - MOTION TO AMEND PLEADING FILED ON 09/30/2009  
UNOPPOSED WITH DRAFT ORDER

10/01/2009 TRANSFER - APPLICATION TO TRANSFER TO BCD FILED ON 10/01/2009

10/01/2009 TRANSFER - APPLICATION TO TRANSFER TO BCD SENT TO BCD ON 10/01/2009

10/05/2009 Party(s): TOM WEISS  
MOTION - MOTION TO AMEND PLEADING GRANTED ON 10/02/2009  
THOMAS E DELAHANTY II, JUSTICE  
COPIES TO PARTIES/COUNSEL

10/05/2009 Party(s): TOM WEISS  
SUPPLEMENTAL FILING - AMENDED COMPLAINT FILED ON 10/02/2009

10/07/2009 HEARING - 26(G) CONFERENCE HELD ON 10/07/2009  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: REBECCA S WEBBER  
Plaintiff's Attorney: HOWARD REBEN  
NO SPECIFIC RULING MADE. COUNSEL INFORMED THAT THE COURT EXPECTS APPROPRIATE DEMEANOR AND COOPERATION BETWEEN EXPERIENCED COUNSEL. APPROPRIATE AND TIMELY BREAKS SHOULD BE ALLOWED.

10/15/2009 Party(s): THAYER CORPORATION  
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 10/15/2009  
THAYER CORPORATION

10/19/2009 OTHER FILING - STATEMENT OF TIME FOR TRIAL FILED ON 10/16/2009

10/19/2009 Party(s): TOM WEISS  
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 10/16/2009  
PLT'S

10/28/2009 Party(s): THAYER CORPORATION  
MOTION - MOTION IN LIMINE FILED ON 10/28/2009  
(DEF'S) WITH DRAFT ORDER REC'D ON 11/16/09 OPPOSITION FILED BY PLAINTIFF REC'D ON  
12/14/2009 DEF'S REPLY

11/17/2009 Party(s): TOM WEISS  
MOTION - MOTION IN LIMINE FILED ON 11/16/2009  
WITH MEMORANDUM OF LAW, DRAFT ORDER, PLAINTIFF REC'D ON 12/14/09 DEF'S OPPOSITION

11/24/2009 LETTER - FROM NON-PARTY FILED ON 11/24/2009  
LETTER FROM REBECCA WEBBER, ESQ RE: PARTIES AGREE TO ALLOW UNTIL 12/2/09 FOR THAYER TO  
FILE A REPLY TO WEISS'S OPPOSITION TO THEYER'S MOTION IN LIMINE

12/01/2009 LETTER - FROM NON-PARTY FILED ON 12/01/2009  
FROM REBECCA WEBBER, ESQ. STATING THAT PARTIES HAVE AGREED TO A 10 DAY EXTENSION TO FILE A  
REPLY

12/17/2009 Party(s): THAYER CORPORATION, THAYER CORPORATION  
OTHER FILING - EXHIBIT LIST FILED ON 12/17/2009  
AMENDED (THAYER CORP)

12/29/2009 ORDER - PRETRIAL/STATUS ENTERED ON 12/24/2009  
THOMAS E DELAHANTY II, JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL

12/29/2009 TRIAL - JURY TRIAL SCHEDULED FOR 02/09/2010

12/29/2009 HEARING - TRIAL MANAGEMENT CONFERENCE SCHEDULED FOR 02/02/2010 @ 2:15  
NOTICE TO PARTIES/COUNSEL

01/19/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
OTHER FILING - OTHER DOCUMENT FILED ON 01/19/2010  
THAYER'S DESIGNATION OF DEPOSITION TESTIMONY FOR TRIAL

01/26/2010 Party(s): THAYER CORPORATION  
DISCOVERY FILING - DEPOSITION TRANSCRIPT FILED ON 01/25/2010  
OF TOM WEISS AND ROBERT KRESSBACH (COPIES)

01/26/2010 Party(s): TOM WEISS  
OTHER FILING - WITNESS LIST FILED ON 01/26/2010  
PLT WEISS REC'D ON 1/29/10 OBJECTION

01/26/2010 Party(s): TOM WEISS  
OTHER FILING - EXHIBIT LIST FILED ON 01/26/2010  
PLT WEISS

01/29/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
JURY FILING - PROPOSED SPECIAL VERDICT FORM FILED ON 01/29/2010  
DEF'S

01/29/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
JURY FILING - PROPOSED VOIR DIRE FILED ON 01/29/2010  
DEF'S

01/29/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
JURY FILING - PROPOSED JURY INSTRUCTIONS FILED ON 01/29/2010

DEF'S

01/29/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 01/29/2010  
THAYER CORP

01/29/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
OTHER FILING - TRIAL BRIEF FILED ON 01/29/2010  
THAYER CORP.

01/29/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
OTHER FILING - OTHER DOCUMENT FILED ON 01/29/2010  
PROPOSED STIPULATION FOR TRIAL FILED BY THAYER CORP.

02/01/2010 Party(s): TOM WEISS, TOM WEISS  
JURY FILING - PROPOSED JURY INSTRUCTIONS FILED ON 02/01/2010

02/01/2010 Party(s): TOM WEISS, TOM WEISS  
JURY FILING - PROPOSED VOIR DIRE FILED ON 02/01/2010

02/01/2010 Party(s): TOM WEISS, TOM WEISS  
JURY FILING - PROPOSED SPECIAL VERDICT FORM FILED ON 02/01/2010

02/02/2010 HEARING - TRIAL MANAGEMENT CONFERENCE HELD ON 02/02/2010  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: REBECCA S WEBBER  
Plaintiff's Attorney: HOWARD REBEN  
ORDER FILED

02/05/2010 Party(s): TOM WEISS  
OTHER FILING - OTHER DOCUMENT FILED ON 02/05/2010  
MEMORANDUM OF LAW ON UNCONSONABILITY WITH NOTORIZED AFFIDAVIT OF TOM WEISSREC'D ON 2/8/10  
THAYER'S OPPOSITION.

02/05/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
OTHER FILING - OTHER DOCUMENT FILED ON 02/05/2010  
THAYER'S OBJECTION TO DEPOSITION DESIGNATIONS BY WEISS AND COUNTERDESIGNATIONS

02/09/2010 TRIAL - JURY TRIAL SELECTED ON 02/09/2010  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: REBECCA S WEBBER  
Plaintiff's Attorney: HOWARD REBEN  
CASE TO BEGIN ON WEEK OF 2/22/10

02/10/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 02/10/2010

02/12/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
MOTION - MOTION TO QUASH SUBPOENA FILED ON 02/12/2010  
WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

02/16/2010 LETTER - FROM NON-PARTY FILED ON 02/16/2010  
FROM HOWARD REBEN, ESQ. REQUESTING A CONFERENCE CALL ON ISSUES TO BE RESOLVED PRIOR TO

TRIAL.

02/17/2010 Party(s): TOM WEISS,TOM WEISS  
OTHER FILING - EXHIBIT LIST FILED ON 02/17/2010  
PLT'S AMENDED

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY SERVED ON 02/11/2010  
DANIEL THAYER

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY FILED ON 02/17/2010

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY SERVED ON 02/17/2010  
KENNETH CHAMPAGNE

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY FILED ON 02/17/2010

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY SERVED ON 02/11/2010  
JEFFREY WINGATE

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY FILED ON 02/17/2010

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY SERVED ON 02/11/2010  
DAVID REED

02/18/2010 Party(s): TOM WEISS,TOM WEISS  
SUBPOENA - SUBPOENA TO TESTIFY FILED ON 02/17/2010

02/24/2010 TRIAL - JURY TRIAL HELD ON 02/22/2010  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: REBECCA S WEBBER  
Plaintiff's Attorney: HOWARD REBEN Reporter: PENNY PHILBRICK-CARVER  
JURY SWORN IN OPENING STATEMENTS HEARD TESTIMONY BEGINS

02/24/2010 TRIAL - JURY TRIAL HELD ON 02/23/2010  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: REBECCA S WEBBER  
Plaintiff's Attorney: HOWARD REBEN Reporter: PENNY PHILBRICK-CARVER  
DAY TWO, TESTIMONY CONTINUES PLT RESTS, DEF FILES IN WRITTING A MOTION FOR JUDGMENT ON  
MATTER OF LAW (DELAHANTY J) GRANTED AS TO COUNTS II AND III, DENIED AS TO COUNT I.

02/24/2010 Party(s): THAYER CORPORATION,THAYER CORPORATION  
MOTION - MOTION JUDGMENT MATTER OF LAW FILED ON 02/23/2010  
WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

02/24/2010 Party(s): THAYER CORPORATION,THAYER CORPORATION  
MOTION - MOTION JUDGMENT MATTER OF LAW GRANTED ON 02/23/2010

THOMAS E DELAHANTY II, JUSTICE  
GRANTED AS TO COUNTS II AND III, DENIED AS TO COUNT I

02/24/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
JURY FILING - PROPOSED JURY INSTRUCTIONS FILED ON 02/24/2010  
THAYER CORP

02/24/2010 Party(s): TOM WEISS, TOM WEISS  
JURY FILING - PROPOSED JURY INSTRUCTIONS FILED ON 02/24/2010  
WEISS'S

02/25/2010 TRIAL - JURY TRIAL HELD ON 02/04/2010  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: REBECCA S WEBBER  
Plaintiff's Attorney: HOWARD REBEN Reporter: PENNY PHILBRICK-CARVER  
TESTIMONY CONTINUES BOTH PARTIES REST FINALLY, CLOSING STATEMENTS HEARD JURY INSTRUCTIONS  
GIVEN, JURY CHARGED AND BEGAN DELIBERATION. COUNSEL HEARD ON ARGUMENT OF PROMISSORY NOTE  
WITH JUDGE ONLY. DECISION ON NOTE TAKEN UNDER ADVISEMENT.

02/25/2010 VERDICT - JURY VERDICT RETURNED ON 02/24/2010  
SPECIAL VERDICT FORM

02/25/2010 FINDING - JUDGMENT DETERMINATION ENTERED ON 02/25/2010  
THOMAS E DELAHANTY II, JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL

ORDER - COURT JUDGMENT ENTERED ON 02/25/2010  
THOMAS E DELAHANTY II, JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL

Judgment entered on COUNT 1 for TOM WEISS and against THAYER CORPORATION in the amount of  
\$44700.00. JUDGMENT FOR PLAINTIFF TOM WEISS AGAINST THAYER CORPORATION IN THE AMOUNT OF 44,700  
PLUS PRE-JUDGMENT INTEREST OF 6.42% AND POST-JUDGMENT INTEREST OF 9.42%. PLAINTIFF TOM WEISS IS  
ENTITLED TO AN ADDITIONAL SUM OF \$89,400 AS LIQUIDATED DAMAGES, PLUS POST-JUDGMENT INTEREST OF  
9.42%. PLAINTIFF TOM WEISS IS ALSO AWARDED COSTS AS ALLOWED BY STATUTE AND RULE AND ATTORNEY  
FEES AS PROVIDED IN THIS ORDER.

Judgment entered for THAYER CORPORATION and against TOM WEISS in the amount of \$15000.00. THE  
JUDGMENT FOR THAYER CORPORATION ON THE PROMISSORY NOTE SHALL INCLUDE INTEREST AT THE RATE OF 8%  
FROM DECEMBER 7, 2007, TO JUNE 30, 2008 AND AT 18% FROM JULY 1, 2008 UNTIL THE NOTE IS PAID IN  
FULL.

02/25/2010 FINDING - FINAL JUDGMENT CASE CLOSED ON 02/25/2010

02/25/2010 Party(s): THAYER CORPORATION, THAYER CORPORATION  
MOTION - MOTION TO QUASH SUBPOENA MOOT ON 02/25/2010

02/25/2010 Party(s): TOM WEISS  
MOTION - MOTION IN LIMINE MOOT ON 02/25/2010

02/25/2010 Party(s): THAYER CORPORATION  
MOTION - MOTION IN LIMINE MOOT ON 02/25/2010



03/01/2010 Party(s): TOM WEISS,TOM WEISS  
OTHER FILING - OTHER DOCUMENT FILED ON 03/01/2010  
POST-JUDGMENT MEMORANDUM OF LAW REGARDING INTEREST RATE ON PROMISSORY NOTE.

A TRUE COPY

ATTEST: \_\_\_\_\_  
Clerk