

# EXHIBIT 2



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February 20, 2024

**Via Electronic Mail**

Jeremy Silverfine, Esq.

P.O. Box 549

Belmont, MA 02748

Re: *Louise Barron*  
vs. *Daniel L. Kolenda*  
Our File No.: 282-0414465

Dear Attorney Silverfine:

This confirms the Southborough Town Administrator Mark Purple's receipt of the Documents Only Subpoena (hereinafter "Subpoena") served pursuant to Mass. R. Civ. P. 45(b) on February 9, 2024. Pursuant to Mass. R. Civ. P. 45(d)(1), Mr. Purple, in his role as the Southborough Town Administrator, hereby objects to the production, inspection and copying of certain documents requested in Schedule "A" to the Subpoena on the following grounds:

**General Objections (applicable to all categories):**

Mr. Purple objects to Schedule "A" on the grounds it is oppressive, overbroad and unduly burdensome. The Town of Southborough is no longer a party to this case. Yet, plaintiff previously served a Subpoena duces tecum upon the Town containing 33 separate categories of documents and materials and seeking up to 13 years (from 2011 to the present) of such documents and materials. Further, plaintiff (1) noticed and conducted depositions of eight present or former Town employees, each of whom was likewise requested to produce certain documents and materials; (2) served a public records request upon the Town Clerk; and (3) served Interrogatories, two Requests for the Production of Documents and a Request for Admissions on defendant, Daniel Kolenda. Thus, Schedule "A" clearly requests documents beyond the scope of plaintiff's needs in this matter.

Mr. Purple further objects to Schedule "A" on the grounds it seeks documents neither relevant to the subject matter involved in the pending action, nor reasonably calculated to lead to the discovery of admissible evidence, nor proportional to the needs of this case. The sole surviving claim from plaintiffs' First Amended Complaint is Count I – Louise Barron's cause of

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action against Daniel Kolenda individually under the Massachusetts Civil Rights Act. Jack Barron and Arthur St. Andre are no longer parties to this case, nor are Lisa Braccio, Brian Shea, Marty Healy, Sam Stivers, the Board of Selectmen or the Town of Southborough. Counts II – VI of plaintiffs' First Amended Complaint have all been dismissed or otherwise resolved.

Mr. Purple further objects to Schedule "A" to the extent it seeks the production of documents protected by the attorney-client privilege, that constitute protected attorney work product, and/or that were prepared in anticipation of litigation or for trial by or for the Town of Southborough or by or for the Town's representatives.

**Objections to Numbered Requests:**

In addition to the General Objections applicable to all categories set forth above, and without waiving any such General Objections, Mr. Purple further objects to the following numbered Requests in Schedule "A" on the grounds set forth below:

**Requests No. 1 & 4:** Mr. Purple objects to the scope and breadth of Requests No. 1 & 4 on the grounds they are duplicative of plaintiff's previous Subpoena duces tecum to the Town, plaintiff's previous document requests to those present and former Town employees who were deposed, and plaintiff's recent public records request.

**Requests No. 5, 6 & 7:** Mr. Purple objects to Requests No. 5, 6 & 7 on the grounds such Requests do not seek the production of documents. Rather, such Requests ask the non-party Town to research certain information, salary histories and budget histories on plaintiff's behalf.

**Requests No. 9 & 10:** Mr. Purple objects to Requests No. 9 & 10 on the grounds plaintiff has made no demonstration that the Town of Southborough contract for WiFi service bears any relevance whatsoever to Louise Barron's allegations that, on December 4, 2018, defendant, Daniel Kolenda, interfered or attempted to interfere with her rights as protected under the Massachusetts Constitution by means of threats, intimidation or coercion.

**Request No. 11:** Mr. Purple objects to Request No. 11 on the grounds it calls upon him to create a document not currently within his custody, possession or control.

Notwithstanding and without waiving any of the objections set forth above, or any additional objections, Mr. Purple agrees to respond to the Subpoena by producing (a) documents responsive to Requests No. 1 & 4, to the extent such documents were not previously produced and are within the Town's custody, possession or control; and (b) documents responsive to Requests No. 2 & 3. Mr. Purple, however, requires additional time within which to do so. Mr. Purple currently expects to produce documents responsive to the Subpoena on or before March 1, 2024.

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Very truly yours,

**PIERCE DAVIS & PERRITANO LLP**

*/s/ John J. Davis*

John J. Davis

JJD/bf

cc: Thomas P. Campbell, Esq.