

RESPONSE TO LETTER FROM Law Offices of Michael Ira Asen

Attorney Name

Address

Re.: [client name]

Dear [name]

Please be advised that this office represents [client name] in connection with your [date] letter purporting to be a civil demand pursuant to M.G.L. c. 231, §§85R½ and 85G.

As an initial matter, your demand, which appears to be nothing more than a form letter, fails to comply with the requirements of §85R½, which states that:

Any correspondence by a merchant, its agents or attorneys that asserts a claim against an individual arising under this section shall identify in detail all of the pertinent information on which the merchant bases its claim.

Your form letter lacks any detail as to the circumstances of the offense you claim my client committed and fails to set forth your client's "actual damages", which would require information regarding the actual value of each item you claim was stolen. Without this "pertinent information", it is impossible to evaluate your demand in any meaningful way or to determine whether you have solicited "payment that exceeds the limitations provided by this section" and thereby exposed yourself and your client to "a fine of not more than \$500."

Furthermore, your reference to M.G.L. c. 231, §85G is curious, as it applies to parental responsibility for "damage to the property of another" caused by unemancipated children between the ages of 8 and 17 years old. Your "demand" makes no reference to the age of my client or to any alleged damage to the property you claim my client stole. In any event, if you are claiming damages under §85G, that is a demand that should be directed to the parents you claim are responsible and not the minor child.

It is clear that you have made no good faith effort to obtain or provide any facts to support your allegations and are attempting to harass people with unsubstantiated form letters that fail to comply with the requirements of the very law upon which you claim to rely. My client has not been adjudicated in a court of law to be responsible for the unspecified "incident" at the unspecified "Walmart Stores, Inc. location" you allude to in your letter and, unless and until that happens, has no intention of complying with your fallacious demand.

We respectfully demand that you cease and desist all contact with [client name] and, to the extent any further communication is necessary, please direct it to this office.

Sincerely,

Attorney