

Georgetown club owner Wojtkun ordered to return money

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After six years of legal wrestling, on February 12, 2009, Judge Carol S. Ball, of the Essex Superior Court affixed her signature on a 68-page decision ordering Dr. Peter Wojtkun and the Georgetown Club, et. al., to return \$357,670.00 to golf course abutter Chris Rich. Dr. Wojtkun has 90 days to comply. Most importantly for other “lifetime members,” Judge Ball found a deliberate effort by Dr. Wojtkun to drive out lifetime members, and ruled that his usury claim (financial claim against lifetime membership) is invalid.

In December 2002, Mr. Rich entered into an agreement with Dr. Wojtkun to purchase 5% of the stock of the Club. Mr. Rich made multiple payments over a 5-month period totaling \$357,670.00 but delayed a final \$157,330.00 payment for many months. Mr. Rich cited a period of hospitalization as well as Dr. Wojtkun’s continued delay regarding a golf-cart easement dispute.

At first, the pair appeared to be working through the delay. By summer, things turned sour between the pair. On September 4, 2003, Mr. Rich made his final payment of \$157,330.00. Several days

later, his payment was returned and Dr. Wojtkun declared the stock purchase deal null and void for late payment. Dr. Wojtkun also refused to return the prior payments totaling \$357,670.00.

A meeting was held on Sept. 24, 2003 with Mr. Rich, Dr. Wojtkun and their respective lawyers at which time an agreement was reached between the parties (stock purchase, membership rights, easement rights, etc.), but that agreement quickly got tossed aside in the following weeks as tensions between the parties mounted.

In December 2003, Mr. Rich filed suit to “get back my money.” Much of 2004 was spent by Mr. Rich in court, attempting to recoup his money and regain his golfing privileges. After several court hearings and decisions, five years later, on February 11, 2008, the parties met again, this time in a Superior Court trial. Testimony ended on October 3, 2008. A declaration of judgment was released on February 12, 2009, citing defendants: “the Georgetown Golf Club, Inc., New England Golf Partners, Inc. (NEGP), Georgetown Links, LLP, and Peter Wojtkun.”

Most notably, Judge Ball summarized the long trial, testimony, affidavits, and filings by noting that: “since this litigation

began, the Club has engaged in a strategy with the aim of terminating the lifetime memberships.” (The Valley Patriot secured copies of court documents of multiple lifetime members engaged in suits by Dr. Wojtkun.)

The judgment also included notes of “hardball tactics,” ... “characterized as threatening,” ... “high-handedness...” and statements of the court finding “credible Rich’s argument that Wojtkun and his allies were harassing him.”

The court also found that Dr. Wojtkun and his attorney Thomas Curran had presented altered document/s to the court. Specifics regarding Dr. Wojtkun’s altering of a signed affidavit was noted in the judge’s decision, as well as a pattern to “drive out the Lifetime Members who financed his dream and now wants them out... Wojtkun lost sight of his fiduciary duty to the lifetime members.” An “intimidating” usurious letter of October 2005, telling members he would no longer honor their contracts, was showcased as one of many patterns of unjust behavior by the club owner.

“The goal (of the letter) was to terminate the original agreements with their hodge-podge of benefits, to raise more money and to drive some of the dissident members away,” the judge said.

“Over the years of its existence, The Club has been run with a strong and heavy hand, principally by Dr. Wojtkun,” Judge Ball summarized. “Wojtkun came to view people who disagreed with him as his enemies and enemies of the Club. Ruling by fiat rather than by consensus is a prescription for dissent and, where financial resources are available, litigation” the judge wrote.

“It is not surprising that this approach to

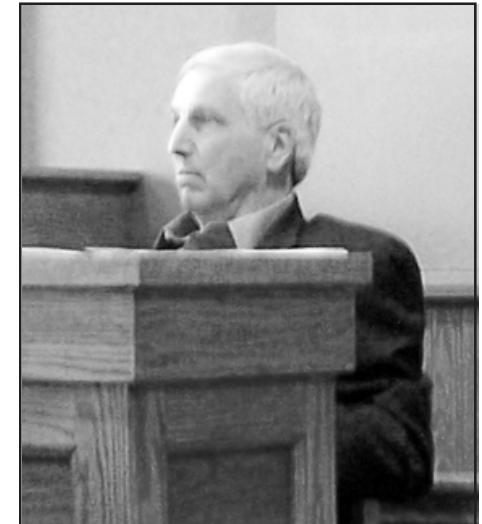


PHOTO: LONNIE BRENNAN

Dr. Peter Wojtkun and the Georgetown Club, et. al., were ordered to return \$357,670.00 to golf course abutter Chris Rich.

Club management has spawned the many lawsuits which relate to the Georgetown Golf Club which are famously pending in Essex County.”

The Valley Patriot has learned that nine pending cases have now been joined by the court to expedite and clear Essex court dockets of some of the various Georgetown Club court cases. The full text of the Court’s decision will be posted online. Massachusetts County of Essex Superior Court Civil Docket # ESCV2003-02419-C.



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