

Docketed 04/08/2025

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPT.
CIVIL ACTION NO. 2182CV01044

MARINA BAY RESIDENCES, LLC,

Plaintiff

v.

CUBE 3 STUDIO, LLC and CALLAHAN,
INC,

Defendants.

CALLAHAN, INC.

Third-Party Plaintiff

v.

EXTERIOR DESIGNS, INC.; SHAWLEE
CORPORATION, LLC; WELLESLEY
ROOFING, INC; d/b/a/ BOSTON ROOFING;
OPTILINE ENTERPRISES, LLC; AND BASF
CORPORATION,

Third-Party Defendants

EXTERIOR DESIGNS, INC.

Plaintiff-in-Crossclaim

v.

SHAWLEE CORPORATION, LLC;
WELLESLEY ROOFING, INC; d/b/a/
BOSTON ROOFING; LLC; OPTILINE
ENTERPRISE, LLC; AND BASF
CORPORATION,

Defendants-in-Crossclaim.

EXTERIOR DESIGNS, INC.

Fourth-Party Plaintiff

v.

COPPOLA CONSTRUCTION &
REMODELING CORP.; FASADEx
DESIGNS, LLC; IMPERIOR HAMMER
CONTRACTING, LLC; PROFESSIONAL
WATERPROOFING & CAULKING, LLC;
TIM CAREY; HARVEY INDUSTRIES, INC.;
PLYCEM USA LLC; RIVERSIDE
CONSTRUCTION, INC.; EMPRIE

4/9/2025 Allowed as
amended. The memo
in support and opposition
must not exceed 25 pages and
any reply is limited to
8 pages.

Leighton J

HARVEY INDUSTRIES, INC.'S
REQUEST TO SERVE OVERSIZED
BRIEF PURSUANT TO SUP.CT.R. 9A(6)

REMODELING, INC.; WHITE CAP SUPPLY HOLDINGS, LLC, successor-in-interest to and/or formerly known as KENSEAL CONSTRUCTION PRODUCTS CORPORATION; and FRY REGLET CORPORATION.

Fourth-Party Defendants.

HARVEY INDUSTRIES, INC.

Fifth-Party Plaintiff,

v.

ELEMENTIA USA, INC., AND ALLURA USA

Fifth-Party Defendants.

Now comes Four-Party Defendant/Fifth-Party Plaintiff, Harvey Industries, Inc., by and through its undersigned counsel, to request leave to serve oversized brief in the form of a Memorandum of Law in Support of its Motion for Summary Judgment as to the Claim of Exterior Designs, pursuant to Superior Court Rule 9A(a)(6). Harvey states that the additional page length is necessary to fully and adequately address all the issues of fact and law this Court will be required to review to resolve its Motion.

Leave to file an oversized brief is particularly warranted in this instance due to the number of parties, volume of discovery, and the fact that this will be the first (1st) motion for summary judgment filed by any party in this matter. As the header makes obvious, this is an expansive case involving approximately twenty (20) active litigants. To date, more than twenty (20) full-day deposition have taken place, tens of thousands of pages of discovery exchanged, and countless emails exchanged in an effort for counsel to coordinate the exchange of information. In future motions, this Court will have the benefit of briefs on the same or similar issues of fact having been filed on the docket. Here, however, Harvey (and Exterior Designs) will carry the burden of introducing the relevant evidence for this Court's consideration for the first time.

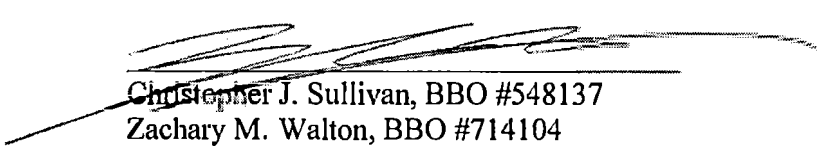
WHEREFORE, the Fourth-Party Defendant/Fifth-Party Plaintiff, Harvey Industries, Inc., pursuant to Sup.Ct.R. 9A(a)(6), requests this Honorable Court, to expand the page limit as follows:

- (1) Harvey's Memorandum of Law in Support of its Motion for Summary Judgment
as to the Claims of Exterior Design – 30 pages ~~30~~ 25
- (2) Exterior Desings' Opposition – 30 pages ~~30~~ 25
- (3) Harvey's Reply Brief – 10 pages ~~10~~ 5

Date: April 7, 2025

Respectfully submitted,

HARVEY INDUSTRIES, INC.,
By its Attorneys,



Christopher J. Sullivan, BBO #548137
Zachary M. Walton, BBO #714104
SULLIVAN & ASSOCIATES, LLC
500 West Cummings Park, Suite 4700
Woburn, MA 01801
Tel. (781) 939-5840
Fax (781) 935-3027
csullivan@sullivanlitigation.com
zwalton@sullivanlitigation.com

CERTIFICATE OF SERVICE

I, Zachary M. Walton, hereby certify that I have served a copy of the foregoing on the following by email and/or mailing same, postage prepaid, this 7th day of April, 2025 to:

Matthew R. Johnson, Esq. Jeffrey D. Adams, Esq. Devine, Millimet and Branch 111 Amherst Street Manchester, MA 03101 mjohnson@devinemillimet.com jadams@devinemillimet.com <i>Attorneys for Optiline Enterprises, LLC</i>	Michael P. Schaefer, Esq. MG+M Law 125 High Street Oliver Street Tower, 6 th Floor Boston, MA 02110 (617) 406-4593 MSchaefer@mgmlaw.com <i>Attorney for Cube 3 Studio, LLC</i>
Matthew Iverson, Esq. Kelly C. Hogan, Esq. Nelson Mullins Riley & Scarborough LLP One Financial Center Suite 3500 Boston, MA 02111 matthew.iverson@nelsonmullins.com kelly.hogan@nelsonmullins.com <i>Attorneys for BASF Corporation</i>	John M. Curran, Esq. Norman L. Brown, Esq. George M. Dolan, Esq. Corwin & Corwin, LLP 600 Unicorn Park Drive Woburn, MA 01801 jcurran@corwinlaw.com gdolan@corwinlaw.com <i>Attorneys for Exterior Designs, Inc.</i>
Anthony V. Agudelo, Esq. Brody, Hardoon, Perkins & Kesten, LLP 265 Franklin Street, 12th Fl. Boston, MA 02110 tagudelo@bhpkplaw.com <i>Attorney for Fasadex Designs, LLC</i>	James R. Dyer, Esq. Matthew S. Prunk, Esq. Tucker, Dyer & O'Connell, LLP 199 Wells Avenue Newton, MA 02459 dyer@tdolaw.com prunk@tdolaw.com <i>Attorneys for Shawnlee Construction, LLC</i>
<i>Daniel P. Dain, Esq.</i> Dain, Torpy, Le Ray, Wiest & Garner, P.C. 175 Federal Street, Suite 1500 Boston, MA 02110 Direct: 617-542-4850 Firm: 617-542-4800 <u>ddain@daintorpy.com</u> <i>Attorneys for Plaintiff</i>	Grace V.B. Garcia, Esq. Stephen G. Troiano, Esq. Morrison Mahoney LLP 250 Summer Street Boston, MA 02210-1181 ggarcia@morrisonmahoney.com stroiano@morrisonmahoney.com <i>Attorneys for Wellesley Roofing, Inc. d/b/a Boston Roofing</i>
Gregory W. Costa, Esq. Eileen P. Kavanagh, Esq. Litchfield Cavo, LLP 6 Kimball Lane, Suite 200 Lynnfield, MA 01940-2682 costa@litchfieldcavo.com kavanagh@litchfieldcavo.com <i>Attorneys for Empire Remodeling, Inc.</i>	Kip J. Adams, Esq. Pierre C. Youssef, Esq. Lewis Brisbois Bisgaard & Smith LLP One International Place, Suite 350 Boston, MA 02110 Kip.adams@lewisbrisbois.com Pierre.Youssef@lewisbrisbois.com <i>Attorneys for White Cap Supply Holdings, LLC</i>

Jesse J. Blyth, Esq. Gordon Rees Scully Mansukhani, LLP 28 State Street, Suite 1050 Boston, MA 02110 jblyth@grsm.com <i>Attorney for Tim Carey</i>	Charles F. Rourke II, Esq. William J. Dailey III, Esq. Sloane and Walsh, LLP One Boston Place 201 Washington Street, Suite 1600 Boston, MA 02108 crourke@sloanewalsh.com wdaileyIII@sloanewalsh.com <i>Attorneys for Callahan, Inc.</i>
Cathryn Spaulding, Esq. Lynn G. McCarthy, Esq. Karen M. Connors, Esq. Lamontagne, Spaulding & Hayes, LLP 34 Washington Street, Suite 200 Wellesley, MA 02482 cspaulding@lshattorneys.com lmccarthy@lshattorneys.com kconnors@lshattorneys.com <i>Attorneys for Professional Waterproofing & Caulking LLC</i>	Mark S. Bodner, Esq. Melick & Porter, LLP One Liberty Square, 7th Floor Boston, MA 02109 mbodner@melicklaw.com <i>Attorney for Coppola Construction & Remodeling Corp.</i>
William M. Taylor, Esq. Jaclyn M. Essinger, Esq. April M. Garbuz, Esq. Troutman Pepper Hamilton Sanders LLP 125 High Street Boston, MA 02110-2736 William.taylor@troutman.com Jaclyn.essinger@troutman.com April.garbuz@troutman.com <i>Attorneys for Plycem USA, LLC and Elementia USA, Inc.</i>	Julian Vargas, President Riverside Construction, Inc. 259 North Shore Road Revere, MA 02151 <i>No Counsel – service sent via U.S. Mail</i>
Jared A. Fiore, Esq. Jeffrey R. Gribouski, Esq. Bowditch & Dewey, LLP lrochwarg@bowditch.com jfiore@bowditch.com jgribouski@bowditch.com <i>Attorneys for Fry Reglet Corporation</i>	Imperial Hammer Contracting, LLC 45 Amherst Street Nashua, NH 03064 <i>No Counsel – service sent via U.S. Mail</i>


Zachary M. Walton, Esq.