

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.

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
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.

AFFIDAVIT OF COMPLIANCE WITH
SUP.CT.R. 9A & 9C

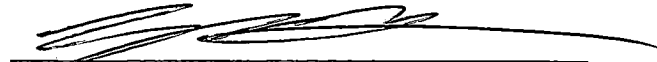
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2025 MAY 30 AM 8:57
CLERK OF THE COURT
NORFOLK COUNTY
6/20/25

I, Zachary M. Walton, counsel for the Fourth Party Defendant, Harvey Industries, Inc., do depose and state the following:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts. I am employed by the law firm of Sullivan & Associates, LLC;
2. The firm Sullivan & Associates, LLC represents the Defendant, Harvey Industries, Inc., in the above-captioned action;
3. On December 31, 2025, I sent correspondence to Counsel for EDI requesting conference as to Harvey's intent to proceed upon a motion for summary judgment as to EDI's claims.
4. On December 17, 2025, I conferenced with Attorney Brown regarding Harvey's aforementioned intent to proceed upon a motion for summary judgment. At the conference, I expressly stated the purpose was to resolve *all* pending discovery disputes for the purpose of avoiding a motion under Rule 56(f).
5. The sole issue raised by Counsel for EDI (until service of EDI's Rule 56(f) Motion) was the need to take the deposition of Harvey's corporate representative.
6. On March 3, 2025, EDI took the deposition of Stephen Patt, Harvey's corporate designee pursuant to Mass.R.Civ.P. 30(b)(6).
7. On April 7, 2025, Harvey served its Motion for Summary Judgment together with all relevant supporting documentation;
8. Counsel for EDI thereafter requested an extension of time until May 30, 2025, to serve its Opposition, to which Counsel for Harvey agreed.
9. On May 17, 2025, Counsel for EDI sent its Opposition together with cross-motions to Strike and pursuant to Rule 56(f).
10. For unknown technical reasons, the email was not received by Counsel for Harvey.
11. On May 19, 2025, Counsel for EDI re-served its Motion to Strike and Rule 56(f) Motion to Harvey *via* email.
12. To date, I have not received any other oppositions, cross-motions, or other responsive pleadings from any other party.
13. To date, I have not received any additional requests for extensions of time by any other party to file a responsive pleading.

14. Superior Court Rule 9A has been complied with and Harvey's Motion is now ripe for consideration by this Honorable Court.

Signed under the pains and penalties of perjury on this 29th day of May 2025



Zachary M. Walton, BBO #714104