

Docketed 08/06/2025

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2182CV01044

K.F., a minor, by his mother and legal guardian SANDRA FERNANDEZ,
By Special Appearance and Reservation of Rights
Proposed Intervenor,

v.

MARINA BAY RESIDENCES, LLC,
Plaintiff.

v.

CALLAHAN, INC. and CUBE 3 STUDIO, LLC,
Defendants.

**NOTICE OF MISCONDUCT AND SUPPLEMENT TO PENDING MOTION TO
INTERVENE ON BEHALF OF MINOR K.F.**

NOW COMES Sandra Fernandez, as legal guardian of minor K.F., to respectfully notify this Honorable Court of attorney misconduct and procedural irregularities directly impacting the pending Motion to Intervene, and to supplement the record accordingly:

1. On July 31, 2025, Attorney Mark Bodner, counsel for one or more defendants, circulated an email to over thirty-five (35) attorneys representing parties in this and related matters. That email included the following statement:

“I hate dealing with whack a doodle pro se people...”

This inflammatory comment was made in reference to the undersigned — a self-represented mother seeking to protect her child’s legal rights through a lawful and properly filed motion to intervene.

2. Attorney Bodner’s communication was copied to counsel for Marina Bay Residences, LLC; Callahan, Inc.; Cube 3 Studio, LLC; and others. It was sent after business hours, in response to the undersigned’s timely Rule 9A-compliant re-service of the Motion to Intervene, and was immediately followed by an unsuccessful “Recall” attempt — itself evidence of the sender’s awareness of impropriety. The message, however, was opened and preserved, and now stands as Exhibit A of unprofessional, retaliatory, and coordinated conduct.

3. Although only two formal oppositions have been served in response to the Motion to Intervene, numerous defense attorneys — including those copied on Bodner’s email — have acted with full awareness of the minor’s motion while evading service requirements, delaying responses, and silently coordinating strategy. This includes counsel for Callahan, who has failed to file a formal opposition yet has participated in procedural maneuvers clearly referencing the undersigned’s filings.

4. Of the two oppositions submitted, that of Cube 3 Studio, LLC is procedurally defective and legally improper. First, the filing impermissibly bundles the minor’s motion with unrelated parties, effectively treating K.F.’s distinct and constitutionally protected rights as interchangeable with adult co-litigants. Such merging is legally baseless and prejudicial to the minor’s due process interests.

5. Second, the opposition was filed in violation of **Mass. R. Civ. P. 9A**. The rule clearly places the burden on the moving party to assemble and submit the 9A package

with a certificate of compliance — not on the respondent. Cube 3 bypassed this process entirely, **filing its opposition directly with the court** without coordination, service confirmation, or procedural compliance. The undersigned therefore respectfully requests that the Court strike Cube 3's opposition as procedurally invalid and inconsistent with **Rule 9A**. Additionally, the bundling of the minor with unrelated parties must be rejected to preserve his independent standing.

6. Finally, Attorney Bodner's derogatory email — targeting the undersigned as both a pro se, woman and a parent, and disseminated to a group of adversarial counsel — is not only unprofessional, but sanctionable under the **Massachusetts Rules of Professional Conduct**. The undersigned reserves the right to file a formal complaint with the Board of Bar Overseers and urges this Court to take judicial notice of this misconduct for the purposes of this proceeding and any related matters.

7. Coordinated Collusion and Litigation Strategy

The email exchange — widely circulated among adversarial firms — evidences a pattern of collusive conduct among supposed opposing counsel. Many recipients of the message have not filed any formal appearances or oppositions, yet are evidently engaged in group coordination and procedural gamesmanship intended to undermine, delay, or silence the minor's legal interests. This includes:

- Suppressing statutory insurance disclosures under **G.L. c. 175, § 112C**;
- Privately communicating about strategy to dismiss and mock a legal guardian;
- And treating the minor's rights as a nuisance or tactical inconvenience.

Such behavior reflects bad faith, collusion, and possible civil conspiracy, and must be preserved for appellate and federal review. It also implicates **Mass. R. Prof. C. 8.4**

(Misconduct), **Rule 3.4** (Fairness), and **Rule 7.1** (Misleading Conduct). The Court is respectfully asked to take judicial notice of this coordination as further support for granting intervention and protecting the minor's rights.

WHEREFORE, the undersigned respectfully requests that this Honorable Court:

- (a) Take judicial notice of the misconduct described herein;
- (b) Accept this filing as a supplement to the pending Motion to Intervene;
- (c) Strike the improper opposition submitted by Cube 3 Studio, LLC;
- (d) Refer Attorney Mark Bodner to the Board of Bar Overseers for misconduct;
- (e) Preserve this record for appellate and federal proceedings; and
- (f) Issue such further orders as justice may require.

Respectfully submitted,

Sandra Fernandez

As Legal Guardian and Mother of Minor K.F., *Pro Se*
By Special Appearance and Reservation of Rights

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Date: August 1st., 2025

By: Sandra Fernandez

As Legal Guardian and Mother of Minor K.F., *Pro Se*
By Special Appearance and Reservation of Rights

/s/ Sandra Fernandez

Sandra Fernandez

CERTIFICATE OF SERVICE

I hereby certify that on August 1st., 2025 a copy of the foregoing was served electronically/U.S. mail on all counsel of record.

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By: Sandra Fernandez
As Legal Guardian and Mother of Minor K.F., *Pro Se*

By Special Appearance and Reservation of Rights

/s/ Sandra Fernandez
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