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NORFOLK, ss

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT CIV. 2182CV01044

MARINA BAY RESIDENCES, LLC, Plaintiff

v.

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

CALLAHAN, INC., Third-Party Plaintiff

v.

EDI HOLDINGS, LLC f/k/a EXTERIOR DESIGNS, INC.;
SHAWNLEE CONSTRUCTION, LLC; WELLESLEY
ROOFING, INC. d/b/a BOSTON ROOFING; OPTILINE
ENTERPRISES, LLC; and BASF CORPORATION, Third-Party
Defendants

EXTERIOR DESIGNS, INC., Third-Party Plaintiff-in-
Counterclaim

v.

CALLAHAN, INC., Third-Party Defendant-in-Counterclaim

EDI HOLDINGS, LLC f/k/a EXTERIOR DESIGNS, INC.,
Third Plaintiff-in-Crossclaim

v.

SHAWNLEE CONSTRUCTION, LLC; OPTILINE
ENTERPRISES, LLC; WELLESLEY ROOFING, INC. d/b/a
BOSTON ROOFING And BASF CORPORATION, Third-
Party Defendants-in-Crossclaim

EXTERIOR DESIGNS, INC., Fourth-Party Plaintiff

v.

COPPOLA CONSTRUCTION & REMODELING CORP.,
FASADDEX DESIGNS, LLC; IMPERIAL HAMMER
CONTRACTING, LLC, PROFESSIONAL WATERPROOFING
& CAULKING, LLC, TIM CAREY, HARVEY INDUSTRIES,
INC., PLYCEM USA LLC, RIVERSIDE CONSTRUCTION,
INC.; EMPIRE 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

WELLESLEY ROOFING, INC., Fourth-Party Plaintiff

v.

C&K ROOFING, INC., Fourth-Party Defendant

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2025 MAY 30 AM 8:57
CLERK OF THE COURT
NORFOLK COUNTY
6/23/25

**EDI HOLDINGS, LLC's
OPPOSITION TO
HARVEY'S SUMMARY
JUDGMENT MOTION**

Third-party Defendant/Fourth-Party Plaintiff EDI Holdings, LLC f/k/a Exterior Designs, Inc. (EDI) hereby opposes Fourth-Party Defendant Harvey Industries, Inc.'s (Harvey) motion for summary judgment because Harvey cannot satisfy its burden of showing that there are no genuine issues of material facts to support EDI's claims against it. Simply put, when viewing the facts in the light most favorable to EDI there is clear evidence to support all EDI's claims against Harvey in this matter; namely, that 1) EDI had a valid contract with Harvey; 2) that Harvey breached its U.C.C. warranties with EDI; 3) that EDI presented clear evidence that the products sold by Harvey were defective and contributed to the damages sought by Plaintiff; 4) that Harvey is liable for negligence indemnity, contribution and negligent misrepresentation; and finally, 5) that EDI's claims are not barred by any applicable statutes of limitations. In support of its opposition, EDI submits the accompanying Memorandum of Law in Opposition to Harvey's Summary Judgment Motion and Affidavits.

WHEREFORE, Third-party Defendant/Fourth-Party Plaintiff EDI Holdings, LLC f/k/a Exterior Designs, Inc. respectfully requests that this Court deny Fourth-Party Defendant Harvey Industries, Inc.'s motion for summary judgment in full and order any other relief this Court deems proper.

EDI HOLDINGS, LLC REQUESTS A HEARING ON THIS MOTION

Respectfully submitted,

EDI Holdings LLC f/k/a Exterior
Designs, Inc.

By its attorneys,

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Dated: May 15, 2025

CERTIFICATE OF SERVICE

A copy of Third-Party Defendant, Cross-Claimant, and Fourth-Party Plaintiff, EDI Holdings, LLC f/k/a Exterior Designs, Inc.'s Opposition was served by email to:

DATED: May 15, 2025

John Curran

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