

Docketed 11/24/2025

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

NORFOLK, ss

SUPERIOR COURT DEPARTMENT

Civil Action Numbers:

2182CV01044

2382CV00389

2582CV00364

Marina Bay Residences, LLC,

Plaintiff,

v.

Callahan, Inc. et al,

Defendants.

Beth Materna, *et al*,

Plaintiff,

v.

MARINA BAY RESIDENCES, LLC,
BOZZUTO MANAGEMENT CO., and
DELANEY BARRETT,

Defendants.

DANY ABOUELKHIER, *Pro Se*,

Plaintiff,

v.

MARINA BAY RESIDENCES, LLC,
BOZZUTO MANAGEMENT CO., and
DELANEY BARRETT,

Defendants.

JOINT STATEMENT FOR THE NOVEMBER 17 CONFERENCE

Under the Court's October 10, 2025 Omnibus Scheduling Order No. 2, the parties in civil action numbers 2182CV01044, 2382CV00389, and 2582CV00364 submit this Joint Statement.

These three cases relate to the Merial Marina Bay apartments in Quincy, but differ in parties and specific legal issues and claims. In 2021, Plaintiff Marina Bay Residences filed suit in this Court, civil action number 2182CV01044, against the general contractor, Callahan, Inc., and the architect, Cube 3 Studio, LLC, of the Merial Marina Bay apartments. The suit alleged that construction defects, design defects, and faulty materials led to widespread water infiltration and other issues, requiring comprehensive remediation work. Cube 3 and Callahan answered, and Callahan filed a third-party complaint against those of its subcontractors and vendors involved in the construction of the building roofing and façade systems. There have since been fourth- and fifth-party claims brought against additional subcontractors and vendors. The parties have exchanged voluminous documents, undertaken numerous depositions, and produced expert reports. The case is currently scheduled for trial starting August 3, 2026.

In 2023, Keches Law brought a putative class action in this Court, civil action number 238CV00389, naming Dany Abouelkhier as class representative, alleging that the defects in the project and the resulting remediation construction work violated the terms of the tenants' leases, breached the warranty of habitability, breached the covenant of quiet enjoyment, constituted a nuisance, and violated General Laws chapter 93A. The parties engaged in only limited discovery. No trial date has been set. Marina Bay Residences asserted a counterclaim against Abouelkhier for unpaid rent. The lawsuit makes no claims against any of the defendants in the construction case.

In February 2025, Abouelkhier filed a series of motions in the 238CV00389 case seeking to have Keches Law withdraw or be removed from the case, as well as for sanctions. Keches

Law responded by filing a motion to sever Abouelkhier's personal claims from the putative class action and for leave to amend the complaint to substitute Beth Materna as the class representative. The court denied Abouelkhier's motions, granted the Keches Law motions, and assigned a new docket number, 2582CV00364, for Abouelkhier's individual claims, as well as Marina Bay Residences' counterclaim for unpaid rent. On July 10, 2025, Marina Bay Residences filed in the 2582CV00364 case a request for Entry of Default on Counterclaim against Abouelkhier. Separately, Marina Bay Residences filed a counterclaim against Materna for unpaid rent in the putative class action.

On September 8, 2025, Abouelkhier filed a "Notice of Non-Participation" in the 2582CV00364 case, in which he stated that "he does not consent to, and will not participate in his severed, single-plaintiff action." The case consequently has not proceeded past the pleading stage.

***Joint Statement by the Parties to the “Construction Case”
2182CV01044***

A. A list of all of the outstanding motions by case number and paper number.¹

#	Date Filed	Filed By	Title
1.	5/30/2025	Harvey Industries, Inc.	Motion for Summary Judgment as to the Claims of Exterior Designs, Inc. - Paper No. 193 - Opposition of EDI Holdings, LLC f/k/a Exterior Designs, Inc. at Paper No. 193.2 - Harvey Industries Inc.’s Reply at Paper No. 193.4
2.	5/30/2025	EDI Holdings, LLC	Rule 56(f) Motion to Deny Havey’s Motion for Summary Judgment Without Prejudice as Premature and Request for a Hearing - Paper No. 193.5 - Opposition of Harvey Industries, Inc. at Paper No. 193.6
3.	5/30/2025	EDI Holdings, LLC	Motion to Strike Inadmissible Exhibits and Paragraphs from Harvey Industries Inc.’s Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment and Request for a Hearing - Paper No. 193.7 - Opposition of Harvey Industries, Inc. at Paper No. 193.8
4.	10/3/2025	Marina Bay Residences, LLC & Cube 3 Studio, LLC	Joint Motion for Entry of Separate and Final Judgment and Approval of Settlement as being in Good Faith - Paper No. 219

¹ The parties note that there are several outstanding motions made by certain nonparties to this case. A list of the outstanding nonparty motions is attached hereto as **Exhibit A**.

#	Date Filed	Filed By	Title
5.	10/23/2025	Plycem USA LLC	Assented-To Motion to Continue the Dispositive Motion Deadlines - Paper No. 230 - Assented-to by: Marina Bay Residences, LLC; Callahan, Inc; Coppola Construction & Remodeling Corp.; Shawnlee Construction, LLC; BASF Corporation; Empire Remodeling, Inc.; Tim Carey; Professional Waterproofing & Caulking LLC; Fry Reglet Corporation; White Cap Supply Holdings, LLC; Harvey Industries, Inc.; Optiline Enterprises, LLC; Wellesley Roofing, Inc. d/b/a Boston Roofing; Riverside Construction, Inc.; Fasadex Designs, LLC; and C&K Roofing, Inc.
6.	10/31/2025	Riverside Construction, Inc.	Motion to Extend Its Time to Serve Expert Designations - No paper number yet.
7.	11/3/2025	Marina Bay Residences, LLC, joined by BASF Corporation	Mass. R. Civ. P. 26(b)(4)(B) Motion for Expert Depositions - No paper number yet. - Callahan, Inc., Plycem USA LLC, and Wellesley Roofing served oppositions.
8.	11/12/2025	Joint	Joint Motion to Require Nonparties to Obtain Leave of Court Before Filing - No paper number yet.

B. An index of the most recent operative Complaint, third (or more) party complaints, answers, cross claims, counter claims. Include a diagram of each claim, brought by whom, in what action, and as to each claim identify against whom they are lodged. Similarly do the same for each counter claim or cross claim that has been raised in this case. This document will then serve as a high level summary for each pending claim, in each of the three cases, that needs to be tried or resolved.

This case involves a complex network of complaints, third and fourth-party complaints, crossclaims, and counterclaims. The following is a list of the operative pleadings, the claims brought, and the parties against whom each claim has been asserted, organized chronologically:

November 18, 2021: Original Complaint filed by Marina Bay Residences against Callahan, Inc. and Cube 3 Studio, LLC.

- March 8, 2022: Callahan answered and crossclaimed against Cube 3.
 - o March 28, 2022: Cube 3 answered crossclaim.
- March 28, 2022: Cube 3 answered Complaint and crossclaimed against Callahan.

March 15, 2022: Callahan, Inc. filed a Third-Party Complaint against Exterior Designs, Inc., Shawnlee Construction, LLC, Wellesley Roofing, Optiline Enterprises, LLC and BASF Corporation

- **5/2/2022:** Optiline answered Callahan's Third-Party Complaint.
- **5/3/2022:** Shawnlee Construction answered Callahan's Third-Party Complaint, counterclaimed, and crossclaimed against the above-listed defendants.
 - o **6/1/2022:** Callahan answered Shawnlee's counterclaim.
 - o **7/12/2022:** EDI answered Shawnlee's crossclaims.
 - o **7/13/2022:** BASF answered Shawnlee's crossclaims.
 - o **2/22/2023:** Wellesley Roofing answered Shawnlee's crossclaims.
- **5/13/2022:** Exterior Designs, Inc. answered Callahan's Third-Party Complaint, counterclaimed, and crossclaimed against Shawnlee, Optiline, and BASF.
 - o **5/18/2022:** Shawnlee answered EDI's crossclaims.
 - o **6/2/2022:** EDI added Wellesley Roofing.
 - o **6/15/2022:** Callahan answered EDI's counterclaims.
 - o **7/13/2022:** BASF answered EDI's crossclaims.
 - o **8/1/2022:** Optiline answered EDI's crossclaims.
- **7/13/2022:** BASF answered Callahan's Third-Party Complaint.
- **9/6/2022:** Wellesley Roofing answered Callahan's Third-Party Complaint.

July 28, 2022: Exterior Designs, Inc. filed a Fourth-Party Complaint against Coppola Construction & Remodeling Corp.; Fasadex 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; and Fry Reglet Corporation.

- **8/22/2022:** Fasadex answered EDI's Fourth-Party Complaint.
- **9/30/2022:** Professional Waterproofing & Caulking answered EDI's Fourth-Party Complaint.
- **10/27/2022:** Harvey Industries answered EDI's Fourth-Party Complaint and Crossclaimed against All Named Defendants, Third-Party Defendants, and Co-Fourth-Party Defendants
 - o **11/7/2022:** BASF answered Harvey's crossclaims.
 - **11/7/2022:** Professional Waterproofing & Caulking answered Harvey's crossclaims.
 - **11/8/2022:** Fasadex answered Harvey's crossclaims and crossclaimed against Harvey Industries.
 - **11/18/2022:** EDI answered Harvey's crossclaims.
 - **12/1/2022:** Empire Remodeling, Inc. answered Harvey's crossclaims.
 - **12/6/2022:** Cube 3 answered Harvey's crossclaims.
 - **12/13/2022:** Shawnlee Construction answered Harvey's Crossclaims and crossclaimed against Harvey Industries.
 - **2/22/2023:** Wellesley Roofing answered Harvey's crossclaims.
 - **5/1/2023:** Fry Reglet Corporation answered Harvey's crossclaims.
 - **10/13/2023:** Harvey Industries moved for leave to amend its answer to include crossclaims against co-Fourth-Party Defendant, Plycem USA LLC

and to assert Fifth-Party Complaint against Elementia USA, Inc. and Allura USA.

- **10/19/2023:** Motion allowed.
- **10/13/2023:** Harvey Industries' Amended Answer adding crossclaim against Plycem filed.
 - **5/10/2024:** Harvey Industries partially dismissed its express contractual indemnification claims against Plycem USA, LLC, Allura USA, and Elementia USA, Inc.
- **10/18/2023:** Harvey industries' Fifth-Party Complaint against Elementia USA and Allura USA filed.
 - **9/9/2024:** Elementia answered Harvey's Fifth-Party Complaint.
 - **9/9/2024:** Plycem USA answered Harvey's Fifth-Party Complaint.
- **9/11/2024:** Callahan answered Harvey's crossclaim.
- **11/10/2022:** Imperial Hammer Contracting, LLC answered EDI's Fourth-Party Complaint.
- **11/15/2022:** Empire Remodeling, Inc. answered EDI's Fourth-Party Complaint.
- **2/7/2023:** White Cap Supply Holdings, LLC answered EDI's Fourth-Party Complaint. (White Cap's party status is inactive as of same date).
- **2/22/2023:** Wellesley Roofing answered EDI's Crossclaims.
- **4/21/2023:** Fry Reglet Corporation answered EDI's Fourth-Party Complaint.
- **6/6/2023:** Tim Carey answered EDI's Fourth-Party Complaint.
- **8/17/2023:** Coppola Construction & Remodeling Corp. answered EDI's Fourth-Party Complaint.
- **9/17/2024:** Plycem USA answered EDI's Fourth-Party Complaint.
- **2/18/2025:** Riverside Construction answered EDI's Fourth-Party Complaint.

October 4, 2022: Callahan filed Second Amended Third-Party Complaint against EDI; Shawnlee; Wellesley Roofing; Optiline; BASF; Coppola Construction; Fasadex; Imperial Hammer Contracting; Professional Waterproofing & Caulking; Tim Carey; Riverside Contruction; Empire Remodeling; Plycem USA; and Fry Reglet.

- **10/28/2022:** Optiline answered Callahan's Second Amended Third-Party Complaint.
- **11/7/2022:** Fasedex answered Callahan's Second Amended Third-Party Complaint.
- **11/10/2022:** Imperial Hammer Contracting, LLC answered Callahan's Second Amended Third-Party Complaint.
- **11/30/2022:** Empire Remodeling, Inc. answered Callahan's Second Amended Third-Party Complaint.
- **12/6/2022:** EDI answered Callahan's Second Amended Third-Party Complaint.
- **12/22/2022:** Callahan filed Affidavit of Service of Second Amended Complaint on Fourth-Party Defendant, Harvey Industries, Inc.
- **4/12/2023:** Fry Reglet Corporation answered Callahan's Second Amended Third-Party Complaint.
- **6/6/2023:** Tim Carey answered Callahan's Second Amended Third-Party Complaint.
- **9/17/2024:** Plycem USA answered Callahan's Second Amended Third-Party Complaint.

January 31, 2024: Wellesley Roofing files Fourth-Party Complaint against C&K Roofing, Inc.

- **4/5/2024:** C&K Roofing answered Wellsley Roofing's Fourth-Party Complaint.

February 19, 2025: Exterior Designs, Inc. files its First Amendment to its Fourth-Party Complaint.

- **3/4/2025:** Plycem answered.
- **3/5/2025:** White Cap Supply Holdings answered.
- **3/18/2025:** Harvey Industries answered.
- **3/24/2025:** Fasadex answered.

May 30, 2025: Harvey Industries Motion for Summary Judgment as to claims of EDI (requests granting Harvey judgment as to Counts Thirty to Thirty-Five of Exterior Designs, Inc's Amended Complaint and granting Harvey judgment as to its crossclaim for Contribution against EDI) filed.

- **5/30/2025:** EDI's opposition filed.
- **5/30/2025:** EDI's Rule 56(f) Motion to Deny Havey's Motion for Summary Judgment Without Prejudice as Premature and Request for a Hearing filed.
 - o **5/30/2025:** Harvey's Opposition filed.
- **5/30/2025:** EDI's Motion to Strike Inadmissible Exhibits and Paragraphs from Harvey Industries Inc.'s Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment and Request for a Hearing
 - o **5/30/2025:** Harvey's Opposition filed.
- **8/13/2025:** Motion Hearing continued to 10/14/2025.
- **8/22/2025:** Motion Hearing rescheduled.

C. A status of discovery or motion practice in each case and what the next step is to be taken in each case.

Fact discovery is completed and the parties have exchanged expert reports. There is a pending motion to permit expert depositions. The claims between Marina Bay Residences and Cube3 have been settled pending the Court's disposition of the motion to approve the settlement and enter a separate and final judgment. Harvey Industries has moved for summary judgment on the claims against it. Otherwise, the parties to the construction case ask that the Court deny all pending motions brought by nonparties (**see Exhibit A**) and grant their motion to require all nonparties, going forward, to seek leave of court before filing any further motions or "notices" in this case. Trial is scheduled for early August.

D. Identify, by docket number as it appears in the Massachusetts Court of Appeals or Supreme Judicial Court, each matter on appeal, if any.

Nonparties appealed the denial of motions to intervene to a single justice of the Appeals Court. That appeal was denied in 2025-J-0728, as were a series of additional motions filed directly with the Appeals Court by nonparties. These are identified in **Exhibit A**. The Appeals Court docket number is now closed.

E. Is the 2182CV01044 case prepared to brief and argue the issue of class certification? And, if not, what matters need to be addressed before the parties are ready to argue that issue?

The 2182CV01044 matter is not a putative class action. It is a single-plaintiff case brought by the owner of Merial Marina Bay apartments against the general contractor and architect of the buildings.

F. In 2182CV01044, for purposes of trial, the court is likely to bifurcate the liability from the indemnification claims and first try Marina Bay's liability and if a jury determines that there is liability; only then conduct one or more subsequent trials for all indemnification and contribution claims, whether those arise under contract or by common law. The parties should be prepared to address approximately how many trial days would be required should the court adopt this format. If any party wishes to address the court about any concerns or objections with this approach they should be prepared to do so in the joint Rule 16 status report and the court will address it at the conference.

If the parties understand this question, the Court is asking if the putative class action case of 2382CV00389 should be tried before the construction case of 2182CV01044, in which Marina Bay Residences includes a claim for indemnification against third party claims brought against it arising out of the defects in the project. Because the construction case is much older and has a trial date scheduled in August while the putative class action case does not have a trial date and likely will not be ready for trial in advance of August, Marina Bay Residences is prepared to proceed with the construction case before the putative class action and recognizes that the defendants in the construction case reserve their right to argue claim preclusion on the

indemnification claim as a result. As for the claims of indemnification among the defendant parties in the 2182CV01044 construction case, there is disagreement as to whether those can be separated from the underlying case and should all be tried together, in August, 2026. BASF and C&K Roofing share the court's concern that a trial attempting to simultaneously address Marina Bay's claims against Callahan and the various Third-Party, Fourth-Party, and Fifth-Party claims, as well as all the attendant cross and counterclaims, will be unmanageable and incomprehensible to a jury. BASF and C&K Roofing would prefer to explore bifurcation options.

Section 2(F) - Callahan Inc.'s Position

(a) Callahan's Position Regarding Trying the Class Action and/or Personal Injury Cases
First

Pursuant to this Court's Omnibus Procedural Order, the Court invited the parties in *Marina Bay Residences, LLC, v. Callahan, Inc. et al*, C.A. No. 2182CV0104 ("the Construction Case") to address whether the trial in *Beth Materna, et. al. v. Marina Bay Residences, LLC*, C.A. No. 2382CV00389 ("the Class Action") and *Dany Abouelkhier, pro se, v. Marina Bay Residences, LLC*, C.A. No. 2582CV00364 ("the Personal Injury Case") should be held before the Construction Case. Callahan interpreted the Court's Order as proposing that the Class Action and Personal Injury case be tried to verdict, followed by the Construction Case. Adopting this format would delay trial of the Construction Case currently scheduled for August, 2026, and for this reason Callahan respectfully requests that this Court allow that case to move forward before the Class Action and Personal Injury cases.

More importantly, Marina Bay's alleged contractual indemnification claim against Callahan in the Construction Case does not seek to recover for the purported damages in the Class Action and Personal Injury Case. Callahan disputes that it can owe contractual indemnification for

the Class Action plaintiffs' alleged damages when those claims were never asserted against Callahan in this case.

For these reasons, Callahan respectfully requests that the Construction Case proceed as scheduled in August, 2026.

(b) Callahan's Position Regarding Bifurcation of Third and Fourth-Party Claims

Rule 42(b) of the Massachusetts Rules of Civil Procedure provides:

"The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial in the county where the action is pending or in a different count...always preserving inviolate the right of trial by jury as declared by the constitution of this Commonwealth or as set for in a statute."

Rule 42(b) "appears to be devoted to the convenience of adjudication, the avoidance of prejudice and the interests of expedition and economy as dictated by the characteristics and elements of proof of the claims themselves." *Roddy & McNulty Ins. Agency, Inc. v. A.A. Proctor & Co., Inc.*, 16 Mass. App. Ct. 525, 528 (1983). The reasons to deny bifurcation "are largely pragmatic, relating to judicial economy and case management. When claims are severed, 'two trials result instead of one,' with the likelihood of some of the same witnesses testifying again to the same facts." *Rodriguez v. Alvelo*, 2009 WL 2438328 *1 (Mass. App. Div. 2009); *quoting Wyler v. Bonnell Motors, Inc.*, 35 Mass. App. Ct. 563 (1993).

The stated goals of Rule 42(b), including the furtherance of convenience, avoiding prejudice, or the interests of judicial expedition and economy, are not served by severing the third and fourth-party claims. In fact, severance will involve multiple juries deciding the same factual issues, increase the likelihood of inconsistent verdicts, prejudice the parties that must participate in multiple trials, and require the Court to expend judicial time and resources on multiple trials that could be resolved in a single trial starting in August, 2026.

The factual issues to be decided at trial include which (if any) of the defendants caused the Plaintiff's damages, and the nature and extent of those damages. There is no dispute that Callahan, as the general contractor, did not perform any of the work. Instead, this work was performed by Callahan's subcontractors including Exterior Designs, Inc., Shawnlee Construction, LLC, and Wellesley Roofing, Inc. d/b/a Boston Roofing. These defendants have identified the building design as the cause of the Plaintiff's damages, as well as the potential defective materials manufactured by Allura and BASF. A single jury should address these factual issues because the witnesses would be the same in each trial. Bifurcating these claims would necessarily require these witnesses to testify twice. A single jury can decide whether the work was negligently performed, and assign liability to the parties that performed the work.

Further, bifurcating trials could result in inconsistent verdicts, if one jury were to find that the construction work was negligently performed, and if a second jury absolved any of the subcontractors that actually performed the work from liability.

Bifurcating the claims will also significantly prejudice Callahan's ability to defend itself against the Plaintiff's claims. As noted above, Callahan did not self-perform any of the work and it has defended itself against the Plaintiff's claims with the understanding that the contractors that actually performed the work would participate at trial. Callahan must be permitted to present evidence regarding the subcontractors that performed the work, and to have the jury consider the extent of their liability, if any.

To the extent this Court is considering bifurcating Callahan's contractual indemnification claims against EDI, Wellesley Roofing, and Shawnlee, Callahan proposes that the Court decide those claims following the jury determination of liability after trial. Pursuant to the terms of the subcontracts with EDI and Wellesley Roofing, if either of those parties is found 1% negligent, they

are contractually required to indemnify Callahan for the entire verdict. The Court can address this narrow issue following the jury verdict, if necessary.

If this Court disagrees with this approach, a final decision regarding trial format need not be made at this time because there is an outstanding Motion for Summary Judgment, more Motions for Summary Judgment expected, and because Callahan has settled with one third-party defendant, Optiline Enterprises, LLC. The Court can defer any final decision until the parties remaining in the case are identified, and Callahan would propose a status conference in the spring, 2026, to discuss any trial-related scheduling issues.

Section 2(F) - Submission of Plycem and Elementia Regarding Bifurcation

The position of the siding manufacturer Plycem and its parent company Elementia (collectively, “Plycem”) is that all derivative claims should be bifurcated, for several reasons. First, the large number of contribution claims will force the jury to hear significant amounts of evidence that may be wholly unnecessary if the primary defendants (Callahan and Cube3) are not found liable under tort. For example, Callahan’s contribution claim depends on proving that it is a joint tortfeasor with Plycem, so that claims fails if Callahan is not found liable under tort. But if its contribution claim is not bifurcated, Callahan must present evidence about Plycem’s purported tort liability, and Plycem must present the evidence that supports its defenses. That evidence will be irrelevant and unnecessary if the jury determines Callahan is not liable in tort to Marina Bay.

Second, as the Court has already recognized, the presentation of evidence in support of third, fourth, and fifth party claims in a single trial will cause great difficulties for the jury. If the claims are not bifurcated, the jury will hear directly-conflicting themes and evidence from third-party defendants (who are also fourth-party plaintiffs). For example, EDI had indicated that its defense will entail presenting evidence to refute Callahan’s position that exterior wall was

defective, yet will also present evidence that the exterior wall *was* defective in support of its claims against fourth-party defendants. It will be highly confusing for the jury to understand which version of the evidence it should believe.

Third, courts often recognize that derivative claims are premature. *See, e.g., Scott v. Rest. Techs., Inc.*, No. 14-cv-12614-IT, 2015 U.S. Dist. LEXIS 57463, at *12 (D. Mass. May 1, 2015) (granting motion to dismiss third-party contribution claim and explaining “due to the contingent nature of Restaurant Tech’s potential claim for contribution, as well as significant uncertainty that such a claim will indeed arise, the courts finds that any claim for contribution may not yet be ripe for adjudication.”); *Urological Surgery Pro. Ass’n v. Fecteau Benefits Grp., Inc.*, 359 F. Supp. 2d 24, 26 (D. N.H. 2005) (“Generally, a cause of action for contribution or indemnity is not ripe until the plaintiff’s obligation to pay in the underlying dispute has been established.”).

Fourth, there are various benefits to the parties in bifurcating the main case from the derivative claims. As several commentators explained, “[u]nder certain circumstances even the owner may benefit by narrowing the issues to the relatively simple fact that the parties who promised to design or construct a non-defective building have not delivered on that promise. In a bifurcated trial or hearing, the owner could focus telescopically, in the first stage, on the fact of liability/defect and damages, without having to expend considerable trial expense listening to potentially dozens of subcontractors and subconsultants at trial, who may have factual (‘I didn’t do it’) or legal (‘The indemnity clause is unenforceable’) defenses that are irrelevant to the owner’s original claim.” INCREASED USE OF BIFURCATION IN CONSTRUCTION CASES INVOLVING DERIVATIVE CLAIMS, R. Carson Fisk & W.W. Allensworth, *The Construction Lawyer* (Fall 2013) at 6, 10-11. The same commentators note that “[o]ne of the primary benefits of bifurcation is the potential to conserve resources (i.e., time and money), both for the court or arbitrator as well as

the parties. In a construction case, if the principal claims are defeated, then there is no need for any subsequent trial or arbitration hearing on the issues of derivative liability.” *Id.* at 12.

G. Whether the parties have conferred about hiring a private mediator and if so has a mediation date been scheduled? If not, then before the Rule 16 scheduling conference the parties shall so confer and be prepared to address the court on their position about mediation.

The parties have participated in multiple days of mediation before two different private mediators. These efforts have resulted in a resolution, as noted, of the claims by Marina Bay Residences against Cube3, pending Court approval. Progress has been made toward a resolution of the remaining claims, but the parties remain substantially apart.

Callahan has resolved its claims against Optiline Enterprises, LLC, and circulated a Stipulation of Dismissal for consideration by all parties.

H. What is the current estimate of damages in each case, before any multiplier or attorney fees may be considered?

Exclusive of attorneys’ fees, interest, multipliers, and impact on cost of equity, Marina Bay Residences incurred façade remediation costs of \$30,227,308, \$1,863,909 in rent concessions provided to tenants, and \$510,000 in lost revenues from vacancies, for a total of \$32,601,217. Marina Bay Residences anticipates seeking a total of roughly \$38 million at trial.

Defendants dispute the Plaintiff’s damages claim.

I. What is the current status of the residential units in question? Has there been any sort of remediation, or has special assessment been levied to address any of the issues or deficiencies complained about in the suits?

As of October 2024, the remediation project at the Meriel Marina Bay apartments is completed. It was paid for entirely by the owner, Marina Bay Residences. The project is not a condominium and accordingly does not impose any special assessments.

Respectfully submitted,

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WELLESLEY ROOFING, INC. D/B/A BOSTON ROOFING By its attorneys, <i>/s/ Stephen G. Troiano</i> Grace V.B. Garcia, BBO# 640970 Stephen G. Troiano, BBO# 683193 Morrison Mahoney LLP 250 Summer Street Boston, MA 02210-1181 ggarcia@morrisonmahoney.com stroiano@morrisonmahoney.com	PLYCEM USA, LLC AND ELEMENTIA USA, INC. By its attorneys, <i>/s/ Maria A. Lombardi</i> William M. Taylor, BBO# 624981 Jaclyn M. Essinger, BBO# 679695 Maria A. Lombardi, BBO# 713352 Judah Rome, BBO# 695997 Troutman Pepper Locke LLP 125 High Street Boston, MA 02110-2736 William.taylor@troutman.com Jaclyn.essinger@troutman.com <u>Maria.lombardi@troutman.com</u> Judah.rome@troutman.com
OPTILINE ENTERPRISES, LLC By its attorneys, <i>/s/ Jeffrey D. Adams</i> Jeffrey D. Adams, BBO# 662697 Matthew Johnson, BBO# 636297 Devine, Millimet and Branch 111 Amherst Street Manchester, MA 03101	RIVERSIDE CONSTRUCTION, INC. By its attorney, <i>/s/ John A. Caletri</i> John A. Caletri, BBO# 649129 McAngus Goudelock & Courie LLC 40 Westminister Street Suite 201 Providence, RI 02903

jadams@devinemillimet.com mjohanson@devinemillimet.com	John.Caletri@mgclaw.com
FASADEX DESIGNS, LLC By its attorney, <i>/s/ Anthony V. Agudelo</i> Anthony V. Agudelo, BBO# 642260 Michelle A. Reid, BBO# 705798 Brody, Hardoon, Perkins & Kesten, LLP 265 Franklin Street, 12th Fl. Boston, MA 02110 <u>tagudelo@bhpklaw.com</u>	CUBE 3 STUDIO, LLC By its attorneys, <i>/s/ Michael P. Schaefer</i> Michael P. Schaefer, BBO# 711910 Yue Zheng, BBO# 600961 MG+M The Law Firm 125 High Street, Oliver Street Tower, 6th Floor, Boston, MA 02110 <u>MSchaefer@mgmlaw.com</u> <u>YZheng@mgmlaw.com</u>
C&K ROOFING, INC By its attorney, <i>/s/ Louis Movitz</i> Louis Movitz, BBO# 564780 Packer and Movitz, P.C. 27 Mica Lane Suite 202 Wellesley, MA 02481-1741 lou.movitz@verizon.net	

Dated: November 12, 2025

***Joint Statement by the Parties to the Putative Class Action
2382CV00389***

A. A list of all of the outstanding motions by case number and paper number.²

#	Date Filed	Filed By	Title
1.	7/31/2025	Beth Materna	Plaintiff's Omnibus Opposition to Thirty (30) Pro Se Filings of Non-Parties Sandra Fernandez and Dany Abouelkhier and Plaintiff's Cross-Motion for Order Barring Future Filings in this Case - Paper No. 125
2.	10/7/2025	Materna, Marina Bay Residences, Bozzuto, Barrett	Joint Motion to Require Nonparties to Obtain Leave of Court Before Filing

B. An index of the most recent operative Complaint, third (or more) party complaints, answers, cross claims, counter claims. Include a diagram of each claim, brought by whom, in what action, and as to each claim identify against whom they are lodged. Similarly do the same for each counter claim or cross claim that has been raised in this case. This document will then serve as a high-level summary for each pending claim, in each of the three cases, that needs to be tried or resolved.

May 5, 2023: Complaint filed.

August 28, 2023: First Amended Complaint filed (with Dany Abouelkhier as named Plaintiff).

- Marina Bay Residences answered on October 13, 2023.
- Bozzuto answered on October 16, 2023.
- Delaney Barrett filed a Rule 9E Notice of Motion to Dismiss on October 16, 2023.

December 19, 2023: Delaney Barrett's Motion to Dismiss filed (with Opposition)

- **November 8, 2024:** Court Order (Honorable J. Leighton) allowing Delaney Barrett's Motion as to Count VII and denying without prejudice as to Counts IV and V – allowing Plaintiffs opportunity to amend Complaint and address defects.

December 6, 2024: Second Amended Complaint filed.

- Marina Bay Residences answered and counterclaimed on December 30, 2024.
- Delaney Barret filed a Rule 9E Motion to Dismiss on February 13, 2025.

April 1, 2025: Third Amended Complaint filed (with Beth Materna as named Plaintiff).

- Marina Bay Residences answered and counterclaimed on September 29, 2025. Marina Bay Residences has agreed to an extension for Materna to answer the counterclaim.

² The parties note that there are outstanding motions made by certain nonparties to this case. A list of these outstanding nonparty motions is attached at **Exhibit B**.

C. A status of discovery or motion practice in each case and what the next step is to be taken in each case.

The parties have conducted limited written discovery, but depositions have not begun. Certain nonparties filed a series of motions, some resolved (so far, all rejected) and some pending, as identified in **Exhibit B**. Otherwise, pending are motions to require that nonparties seek leave of court before further motion practice. The Court will want to address the discovery schedule going forward.

D. Identify, by docket number as it appears in the Massachusetts Court of Appeals or Supreme Judicial Court, each matter on appeal, if any.

Certain nonparties filed notices of appeal and sought single-justice review of rulings on motions to intervene and related motions, and also filed motions directly with the Appeals Court and Supreme Judicial Court. These are recounted in **Exhibit B** and received docket numbers 2025-J-0519, 2025-P-1218, 2025-J-0726, SJ-2025-0300, and SJ-2025-0299. To date, the Appeals Court and Supreme Judicial Court have denied all appeals and motions adjudicated, leaving only 2025-P-1218 apparently open.

E. Is the 2182CV01044³ case prepared to brief and argue the issue of class certification? And, if not, what matters need to be addressed before the parties are ready to argue that issue?

The parties request a schedule for briefing and arguing class certification, after discovery. Defendants reserve the right to move to strike the class claim.

F. In 2182CV01044, for purposes of trial, the court is likely to bifurcate the liability from the indemnification claims and first try Marina Bay's liability and if a jury determines that there is liability; only then conduct one or more subsequent trials for all indemnification and contribution claims, whether those arise under contract or by common law. The parties should be prepared to address approximately how many trial days would be required should the court adopt this format. If any party wishes to address the court about any concerns or objections with this approach

³ The order says the 2182CV01044 docket – assume this was meant to apply to the 2382CV00389 docket here.

they should be prepared to do so in the joint Rule 16 status report and the court will address it at the conference.

The only claims in this case are the putative class claims against Marina Bay Residences, none of which lend themselves to bifurcation and the counterclaim for unpaid rent. As for timing of trial in relation to the construction case, the parties to the putative class action do not insist on trying their case first.

G. Whether the parties have conferred about hiring a private mediator and if so has a mediation date been scheduled? If not, then before the Rule 16 scheduling conference the parties shall so confer and be prepared to address the court on their position about mediation.

The parties are in active settlement discussions. They have not yet retained the services of a private mediator.

H. What is the current estimate of damages in each case, before any multiplier or attorney fees may be considered?

Plaintiff's preliminary estimate of damages, without the benefit of having conducted full discovery, is in excess of \$5.5 million exclusive of any multiplier or attorney fees. Defendant has counterclaimed for unpaid rent and other fees of \$7,080.81.

I. What is the current status of the residential units in question? Has there been any sort of remediation, or has special assessment been levied to address any of the issues or deficiencies complained about in the suits?

As of October 2024, the remediation project at the Meriel Marina Bay apartments is completed. It was paid for entirely by the owner, Marina Bay Residences. The project is not a condominium and accordingly does not impose any special assessments.

Respectfully submitted by:

DEFENDANT
MARINA BAY RESIDENCES, LLC,
BY ITS ATTORNEYS,

PLAINTIFF,
BY HER ATTORNEYS,

/s/ Daniel P. Dain

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DEFENDANTS,
BOZZUTO MANAGEMENT CO. and
DELANEY BARRETT
BY THEIR ATTORNEYS,

/s/ Ted Papadopoulos

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Dated: November 12, 2025

JOINT STATEMENT

A. A list of all of the outstanding motions⁴ by case number and paper number.

#	Date Filed	Filed By	Title
1.	7/10/2025	Marina Bay Residences, LLC	Request for Entry of Default on Counterclaim - Paper No. 17
2.	7/10/2025	Abouelkhier	Emergency Motion to Stay Proceedings Pending Appeal (Filed Under Special Appearance and Reservation of Rights) - Paper No. 19 - Opposition of Marina Bay Residences, LLC at Paper No. 25
3.	7/17/2025	Abouelkhier	Emergency Motion and Memorandum for Supervisory Relief, Vacatur of Unlawful Severance, and Restoration of Appellate Access Filed Under Special Appearance, Reservation of Rights, and Demand for Entry into the Appellate Record and Federal Preservation - Paper No. 24
4.	7/28/2025	Abouelkhier	Emergency Motion to Stay Proceedings Under Special Appearance and Protest and Memorandum of Law in Support - Paper No. 27

B. An index of the most recent operative Complaint, third (or more) party complaints, answers, cross claims, counter claims. Include a diagram of each claim, brought by whom, in what action, and as to each claim identify against whom they are lodged. Similarly do the same for each counter claim or cross claim that has been raised in

⁴ Abouelkhier has also filed a series of “notices,” which do not seek court adjudication. These include Abouelkhier’s Declaration of Dany Abouelkhier in Support of Objection to Reference (Paper No. 4.7); Supplemental Notice of Special Appearance, Reservation of Rights, and Objection to Procedural Errors (Paper No. 9); Notice of Objection to Improper Pro Hac Vice Appearances and Preservation of Rights Under Special Appearance (Paper No. 13); Renewed Special Appearance, Reservation of Rights, and Objection to Severance (Paper No 14); Notice of Non-Participation in Lieu of Answer and Preservation of Appellate Rights (Paper No. 15); Notice of Appeal Under Special Appearance and Reservation of Rights (Paper No. 16); Renewed and Supplemental Notice of Appeal Under Special Appearance and Reservation of Rights (Paper No. 18); Notice of Incorrect Address and Service Objection Filed Under Special Appearance and Reservation of Rights (Paper No. 20); Notice of Retaliatory Default and Coercive Settlement Offer (Filed Under Special Appearance and Full Reservation of Rights) (Paper No. 21, with an Opposition filed by Marina Bay Residences at Paper No. 25); Notice to Transfer Case to the Appeals Court and Request for Assembly of the Record (Filed Under Special Appearance and Full Reservation of Appellate and Federal Rights) (Paper No. 22, with an Opposition filed by Marina Bay Residences at Paper No. 25); Special Appearance, Notice of Record Preservation, Objection to Retaliatory Litigation Conduct, and Reservation of Rights (Paper No. 23, with an Opposition filed by Marina Bay Residences at Paper No. 25); Renewed Notice of Appeal (Filed Under Protest and Without Waiver) (Paper No. 26); Supplemental Notice of Appeal (Filed Under Protest, Special Appearance, and Full Reservation of Rights) (Paper No. 29); Notice of Non-Participation (Filed Under Special Appearance and Reservation of Rights) (Paper No. 30); and Notice of Preservation of Rights, Special Appearance, and Non-Participation (not yet docketed).

this case. This document will then serve as a high-level summary for each pending claim, in each of the three cases, that needs to be tried or resolved.

April 1, 2025: Superior Court severed Dany Abouelkhier's individual claims from the class action matter and opened this docket for the Second Amended Class Action Complaint and Demand for Jury Trial.

April 1, 2025: Abouelkhier filed his Second Amended Motion to Set Aside Default.

- Marina Bay Residences, Bozzuto Management Corporation, and Delaney Barrett filed an Opposition to Abouelkhier's Second Amended Motion to Set Aside Default on April 2, 2025.

April 7, 2025 Court Order: Motion to Set Aside Default ALLOWED, "though the Court rejects plaintiff's arguments of bad faith and retaliation. Plaintiff is ORDERED to file an answer to the counterclaims by 4/21/2025."

- Abouelkhier did not file an answer to Marina Bay Residences' counterclaim.

July 10, 2025: Marina Bay Residences filed a Request for Entry of Default on Its Counterclaim.

C. A status of discovery or motion practice in each case and what the next step is to be taken in each case.

Abouelkhier has stated his non-participation in this action. No discovery has been served.

A request for entry of default on the counterclaim is pending.

D. Identify, by docket number as it appears in the Massachusetts Court of Appeals or Supreme Judicial Court, each matter on appeal, if any.

None.

E. Is the 2182CV01044 case prepared to brief and argue the issue of class certification? And, if not, what matters need to be addressed before the parties are ready to argue that issue?

There are no class claims in this action.

F. In 2182CV01044, for purposes of trial, the court is likely to bifurcate the liability from the indemnification claims and first try Marina Bay's liability and if a jury determines that there is liability; only then conduct one or more subsequent trials for all indemnification and contribution claims, whether those arise under contract or by common law. The parties should be prepared to address approximately how many trial days would be required should the court adopt this format. If any party wishes to address the court about any concerns or objections with this approach they should be prepared to do so in the joint Rule 16 status report and the court will address it at the conference.

The only pending claims in this case are Abouelkhier's personal claims against Marina Bay Residences and Marina Bay Residences' counterclaims for unpaid rent.

- G. Whether the parties have conferred about hiring a private mediator and if so has a mediation date been scheduled? If not, then before the Rule 16 scheduling conference the parties shall so confer and be prepared to address the court on their position about mediation.**

Marina Bay Residences made a settlement proposal, which was rejected.

- H. What is the current estimate of damages in each case, before any multiplier or attorney fees may be considered?**

Abouelkhier has not provided an estimate of damages. Marina Bay Residences, through its unanswered counterclaim, seeks damages of \$68,039.96, reflecting 19 months of unpaid rent, storage, parking, and utility charges, exclusive of attorneys' fees and interest.

- I. What is the current status of the residential units in question? Has there been any sort of remediation, or has special assessment been levied to address any of the issues or deficiencies complained about in the suits?**

The remediation is completed. Abouelkhier moved out of the Meriel Marina Bay in October 2024.

Submitted by,

Plaintiff,

DANY ABOUELKHIER⁵

Dany Abouelkhier (*pro se*)

Defendant,

MARINA BAY RESIDENCES, LLC,

BY ITS ATTORNEYS,

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⁵ A draft of this Joint Statement was emailed to Plaintiff Abouelkhier for his review, input, and comment. He did not respond.

Defendants,

BOZZUTO MANAGEMENT CO. and
DELANEY BARRETT

BY THEIR ATTORNEYS,

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Dated: November 12, 2025

EXHIBIT A

Outstanding Nonparty Filings – Case No. 2182CV01044 and Related Appeals

Outstanding Motions Filed by Non-Parties

#	Date Filed	Filed By	Title
1.	7/28/2025	Fernandez ¹	Emergency Ex Parte Motion for Temporary Restraining Order Filed Under Special Appearance by Sandra Fernandez - Paper No. 200 - Opposition of Marina Bay Residences, LLC at Paper No. 201, 206.1 - Opposition of Cube 3 Studio LLC at Paper No. 202, 206.2 - Callahan, Inc.'s Joinder to Cube 3 Studio, LLC's Opposition at Paper No. 207
2.	8/6/2025	Abouelkhier	Motion to Intervene (Filed Under Special Appearance With Memorandum of Law) - Paper No. 206 - Opposition of Marina Bay Residences, LLC at Paper No. 206.1 - Opposition of Cube 3 Studio LLC at Paper No. 206.2 - Callahan, Inc.'s Joinder to Cube 3 Studio, LLC's Opposition at Paper No. 207 - Replies at Paper No. 206.3, 206.4
3.	8/8/2025	Minor child (by Fernandez)	Motion to Intervene on Behalf of Minor K.F. with Incorporated Memorandum of Law (Special Appearance and Reservation of Rights) - Paper No. 208 - Opposition of Cube 3 Studio LLC at Paper No. 208.2 - Opposition of Marina Bay Residences, LLC at Paper No. 208.4 - Replies at Paper No. 208.3, 208.5, 209, 210, 211, 212
4.	10/2/2025	Minor child (by Fernandez)	Motion to Compel Ruling on Pending Motion to Intervene of Minor Petitioner (Paper No. 208) - Paper No. 223
5.	10/2/2025	Minor child (by Fernandez)	Rule 60(b) Motion to Vacate and Re-Enter Order for Lack of Service - Paper No. 224.1 (filed with Memorandum in Support, Paper No. 224.2)
6.	10/8/2025	Minor child (by Fernandez)	Emergency Motion to Stay Proceedings and to Protect the Rights of the Minor Pending Appeal Under Special Appearance (with Incorporated Memorandum of Law) - Paper No. 226 - Opposition of Cube 3 Studios LLC at Paper No. 227 - Reply at Paper No. 228
7.	10/23/2025	Abouelkhier	Motion to Vacate Omnibus Procedural Order No. 2 (Docket #225) and to Strike Joint Motion (Docket #221) for Lack of Service, Notice, Jurisdiction, and Due Process (With Incorporated Memorandum of Law and Request for Expedited Relief) - Not yet docketed.

¹ Marina Bay Residences notes that Fernandez has also served, but not filed with the Court, several additional documents on the parties in this case, purportedly both on behalf of herself and her minor child. These include: Motion to Intervene on Behalf of Minor K.F. with Incorporated Memorandum of Law; Motion for Protective Order and Request to Seal Identifying Information; Federal Preservation Notice on Behalf of Minor K.F.; Notice of Misconduct and Supplement to Pending Motion to Intervene on Behalf of Minor K.F.; Notice of Appeal on Behalf of Minor K.F.; Rule 60(b) Motion to Vacate and Re-Enter Order for Lack of Service; and Emergency Motion to Stay Proceedings Pending Appeal with Incorporated Memorandum of Law.

#	Date Filed	Filed By	Title
8.	10/23/2025	Fernandez	Motion to Stay Any Settlement Proceedings, to Preserve Insurance and Appellate Rights, and to Require Transparency (with Incorporated Memorandum of Law) - Not yet docketed.
9.	10/23/2025	Fernandez	Motion to Vacate Omnibus Procedural Order No. 2 for Lack of Service, Jurisdiction, and Due Process (with Incorporated Memorandum of Law) - Not yet docketed.
10.	11/7/2025	Abouelkhier	Motion to Compel Assembly of Record (Mass. R. A. P. 9(e)) - Not yet docketed.

Outstanding Notices Filed By Non-Parties

#	Date Filed	Filed By	Title
1.	8/6/2025	Fernandez	Notice of Misconduct and Supplement to Pending Motion to Intervene on Behalf of Minor K.F. - Paper No. 203 - Defendant Coppola Construction & Remodeling Corporation's Response at Paper No. 204
2.	8/6/2025	Abouelkhier	Notice of Clarification Regarding Premature Docketing of Motion to Intervene and Intent to Comply with Rule 9A - Paper No. 205
3.	8/7/2025	Fernandez	Reply and Notice of Misconduct Regarding Attorney Mark S. Bodner and Coppola Construction & Remodeling Corp. (With Motion for Leave to File) - Paper No. 212
4.	9/8/2025	Abouelkhier	Notice of Appeal: 1. The order entered on August 20, 2025, denying Petitioners Motion to Intervene (Paper No. 197); and 2. The order entered on August 20, 2025, denying Petitioners Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction (Paper No. 198) - Paper No. 215
5.	9/19/2025	Minor child (by Fernandez)	Notice of Appeal as to K.F.: 1. The order entered on August 20, 2025 denying Petitioners Ex Parte Emergency Motion for Temporary Restraining Order and Protective Information (Docket No. 199) - Paper No. 216
6.	9/19/2025	Fernandez	Notice of Appeal: 1. The order entered on August 20, 2025 denying Fernandez's Emergency Ex Parte Motion for Temporary Restraining Order (Docket No. 200) - Paper No. 217
7.	10/21/2025	Fernandez	Notice of Material Information Regarding Defective Materials, Architectural Liability, and Insurance Disclosure Irregularities - Paper No. 229
8.	10/23/2025	Fernandez	Notice Regarding Evidentiary Filings, Insurance Investigations, and Record Preservation - Paper No. 232

#	Date Filed	Filed By	Title
9.	11/1/2025	Fernandez	Notice of Material Information; Confirmation of Notification to Insurers and Lenders; Request for Stay/Disclosure Regarding Potential Sale or Transfer - Not yet docketed.

Appeals Court Docket Information—2025-J-0728

#	Date Filed	Filed By	Title	Court Action
1.	10/8/2025	Minor child (by Fernandez)	Emergency Petition for Relief Under G.L. c. 231 § 118(1) - Paper No. 2	10/9/2025 Order: “After review, the petition pursuant to G.L. c. 231, § 118, first par. is denied as the petitioner has not demonstrated a clear error of law or an abuse of discretion. <i>See Aspinall v. Philip Morris Cos., Inc.</i> , 442 Mass. 381, 390 (2004); <i>Jet-Line Servs., Inc. v. Bd. of Selectmen of Stoughton</i> , 25 Mass. App. Ct. 645, 646 (1988).” (Englander, J.)
2.	10/8/2025	Minor child (by Fernandez)	Motion to Compel Assembly and Transmission of Record with Incorporated Memorandum of Law - Paper No. 5	10/9/2025 Order: “After review, the motion is denied. We note that on 10/9/25, the Superior Court docket entry regarding the notice of appeal was corrected to read as Notice of Appeal as to K.F. minor by his mother and legal guardian Sandra Fernandez. We also note that the time to complete the assembly of record pursuant to Mass. R. App. P. 9(e)(1) has not expired.” (Englander, J.)
3.	10/16/2025	Minor child (by Fernandez)	Motion for Reconsideration and Clarification Pursuant to Mass. App. Ct. R. 27.0(e) (Combined Memorandum of Law and Affidavit of Facts) - Paper No. 7	

EXHIBIT B

Outstanding Nonparty Filings – Case No. 2382CV00389 and Related Appeals

Outstanding Motions Filed by Non-Parties

#	Date Filed	Filed By	Title
1.	6/9/2025	Fernandez	Emergency Motion for Protective Relief (Pursuant to Mass. R. Civ. P. 17(c) and 26(c)) - Paper No. 122 - Omnibus Response of Marina Bay Residences at Paper No. 126
2.	6/16/2025	Fernandez	Motion for Reconsideration of Order Denying Motion to Intervene (Pursuant to Mass. R. Civ. P. 59(e), and 54(b)) - Paper No. 83 - Opposition of Defendants Marina Bay Residences, LLC; Bozzuto Management Company; and Delaney Barrett at Paper No. 83.2 - Opposition of Plaintiff Beth Materna at Paper No. 83.3 - Fernandez Replies at Paper Nos. 83.4, 83.5
3.	7/11/2025	Abouelkhier	Renewed Motion to Compel Assembly and Transmission of the Record Pursuant to Mass. R. App. P. 9(c), 9(d), and 10(a) - Paper No. 87 - Opposition of Beth Materna at Paper No. 87.1 - Abouelkhier Reply at Paper No. 87.2 - Omnibus Opposition of Marina Bay Residences at Paper No. 126
4.	7/15/2025	Fernandez	Motion to Stay Proceedings Pending Appeal (Mass. R. App. P. 6(a); Mass. R. Civ. P. 62) - Paper No. 90 - Opposition of Beth Materna at Paper No. 90.1 - Opposition of Marina Bay Residences at Paper No. 90.2, 126 - Fernandez Replies at Paper Nos. 90.4, 90.5
5.	7/16/2025	Minor child—by Fernandez	Motion of K.F., A Minor, by his Legal Guardian Sandra Fernandez, to Intervene (Pursuant to Mass. R. Civ. P. 24(a) and 24(b)) - Paper No. 88 - Opposition of Marina Bay Residences at Paper No. 88.3, 90.2, 126 - Opposition of Beth Materna at Paper No. 88.5 - Fernandez Replies at Paper Nos. 88.4, 88.6, 88.7, 127
6.	7/16/2025	Minor child—by Fernandez	Emergency Motion and Memorandum of Law to Strike Improper Omnibus Oppositions Filed by Jonathan Sweet and Beth Materna and by Defendants, to Add K.F., a Minor, as Intervenor, and to Schedule In-Person Hearing - Paper No. 89 - Omnibus Opposition of Marina Bay Residences at Paper No. 126 - Reply at Paper No. 127
7.	7/17/2025	Fernandez	Emergency Motion to Accept Filings Nunc Pro Tunc, Vacate “Inactive” Designation, Correct Paper, and Preserve Rights for Appeal and Federal Review - Paper No. 97 - Omnibus Response of Marina Bay Residences at Paper No. 126
8.	7/17/2025	Abouelkhier	Emergency Motion and Memorandum for Supervisory Relief, Vacatur of Unlawful Severance, and Restoration of Appellate Access Filed Under Special Appearance, Reservation of Rights, and Demand for Entry into the Appellate Record and Federal Preservation - Paper No. 98 - Omnibus Response of Marina Bay Residences at Paper No. 126

#	Date Filed	Filed By	Title
9.	7/21/2025	Minor child—by Fernandez	Emergency Motion to Stay Proceedings by K.F. (Minor) - Paper No. 116 - Omnibus Response of Marina Bay Residences at Paper No. 126 - Reply at Paper No. 127
10.	7/22/2025	Abouelkhier	Emergency Omnibus Motion and Memorandum of Law to (1) Vacate the Severance Order; (2) Reinstate Plaintiff's Party and Class Status; (3) Strike the Third Amended Complaint; and (4) Compel Assembly and Transmission of the Full Appellate Record (Filed Under Special Appearance and Full Reservation of Rights) - Paper No. 99 - Omnibus Response of Marina Bay Residences at Paper No. 126
11.	7/23/2025	Fernandez	Emergency Omnibus Motion and Memorandum of Law to: (1) Reinstate party status and filings for Sandra Fernandez; (2) Vacate the severance and substitution orders as void ab initio; (3) Strike all post-discharge filings by Jonathan Sweet; (4) Strike the Second and Third Amended Complaints in their entirety; (5) Reinstate and protect minor K.F.'s intervention and rights; (6) Prevent retaliatory default and procedural manipulation; (7) Restore and protect appellate jurisdiction; (8) Compel judicial oversight and bar referral; (9) Declare all filings using Sandra or K.F. as void due to lack of consent; (10) Trigger sanctions and insurance disclosure; (11) Certify matter for appellate and federal review - Paper No. 100 - Omnibus Response of Marina Bay Residences at Paper No. 126
12.	7/23/2025	Fernandez	Emergency Motion to Compel Production and Docketing of Case Files, Correct Party Status, and Preserve Appellate Rights with Incorporated Memorandum of Law and Request for Judicial Review of Clerk Actions - Paper No. 102 - Omnibus Response of Marina Bay Residences at Paper No. 126
13.	7/24/2025	Abouelkhier	Supplemental Emergency Motion to Compel Transmission of Record, Preserve Appeal Rights, and Correct Docket Irregularities - Paper No. 103 - Omnibus Response of Marina Bay Residences at Paper No. 126
14.	7/24/2025	Minor child—by Fernandez	Emergency Omnibus Motion for Relief, Investigation, Redactions, and Protection of Minor - Paper No. 114
15.	7/26/2025	Fernandez	Emergency Motion for Protective Order, to Compel Docketing, Stay Proceedings, Demand Insurance Disclosure, and Enforce State and Federal Rights Filed Under Special Appearance by Legal Guardian of K.F., a Minor, and on Behalf of Herself - Paper No. 112
16.	7/28/2025	Fernandez	Emergency Motion for Temporary Restraining Order and Preliminary Injunction Filed Under Special Appearance by Sandra Fernandez - Paper No. 105 - Omnibus Response of Marina Bay Residences at Paper No. 126
17.	7/28/2025	Fernandez	Emergency Motion for Protective Order, to Compel Docketing, Stay Proceedings, Demand Insurance Disclosure, and Enforce State and Federal Rights - Paper No. 106 - Omnibus Response of Marina Bay Residences at Paper No. 126

#	Date Filed	Filed By	Title
18.	7/28/2025	Minor child—by Fernandez	Emergency Motion to Compel Docketing, Demand Insurance Disclosure, Enjoin Retaliatory Default, and Protect the Rights of a Minor Litigant - Paper No. 107 - Omnibus Response of Marina Bay Residences at Paper No. 126 - Reply at Paper No. 127
19.	7/28/2025	Abouelkhier	Third Supplemental Notice of Appeal Pursuant to Mass. R. App. P. 3 and 4 - Paper No. 108 - Omnibus Response of Marina Bay Residences at Paper No. 126
20.	7/28/2025	Abouelkhier	Ex Parte Emergency Motion for Temporary Restraining Order and Preliminary Injunction with Incorporated Memorandum of Law - Paper No. 109 - Omnibus Response of Marina Bay Residences at Paper No. 126
21.	7/28/2025	Abouelkhier	Renewed Emergency Motion for Separate and Final Judgment Under Mass R. Civ. P. 54(b); Motion to Strike Void Orders Under Rule 60(b)(4) - Paper No. 110 - Omnibus Response of Marina Bay Residences at Paper No. 126
22.	7/28/2025	Fernandez	Emergency Petition for Supervisory Relief (G.L. c. 211, s. 3 and the Court's Inherent Supervisory Powers) Filed Under Special Appearance by Sandra Fernandez, Pro Se - Paper No. 113
23.	8/13/2025	Fernandez	Emergency Motion to: (1) Strike or Disregard Untimely Oppositions filed July 31 and August 1, 2025; (2) Correct the Docket to Reflect Original E-Filing Dates for Pre-Existing June/July Filings and Include the Clerk "Reject/Under Review" Notices in the Case File; (3) Order Immediate Assembly and Transmission of the Record Under Mass. R. App. P. 9 with Accurate Docket Entries; and (4) Enter a Record-Preservation/Anti-Alteration Order Filed by Sandra Fernandez, by special appearance and reservation of rights, without the waiver of any state or federal rights, including 42 U.S.C. s. 1983 and rights before the SJC or federal courts - Paper No. 128 - Opposition of Beth Materna at Paper No. 130
24.	8/14/2025	Abouelkhier	Emergency Motion to Strike or Disregard Untimely Oppositions and Preserve Record for Appeal - Paper No. 129
25.	8/14/2025	Fernandez	Emergency Motion and Memorandum to Require Hearing on Minor's Motion to Intervene Before Any Motion to Restrict Filings - Paper No. 131
26.	8/28/2025	Minor child—by Fernandez	Supplemental Motion to Intervene, for Protective Order, and to Preserve Defendant Delaney Barret as a Party with Incorporated Memorandum of Law - Paper No. 138 - Opposition of Marina Bay Residences at Paper No. 138.1 - Opposition of Beth Materna at Paper No. 138.3 - Replies at Paper Nos. 138.2, 138.4

#	Date Filed	Filed By	Title
27.	8/28/2025	Minor child—by Fernandez	Motion for Class Certification Under Mass. R. Civ. P. 23, for Protective Orders, and to Preserve Minor and Absent Class Member Rights with Incorporated Memorandum of Law - Paper No. 139 - Opposition of Marina Bay Residences as to Motion for Class Certification at Paper No. 139.1 - Opposition of Beth Materna at Paper No. 139.3 - Replies at Paper Nos. 139.2, 139.4
28.	10/8/2025	Fernandez	Intervenor-Appellant Sandra Fernandez’s Motion to Stay Proceedings Pending Appeal with Incorporated Memorandum of Law - Not yet docketed. - Opposition of Beth Materna at Paper No. 145 and 148.1
29.	10/8/2025	Minor child—by Fernandez	Emergency Motion to Compel Rulings on Pending Motions and to Protect Minor’s Rights with Incorporated Memorandum of Law - Paper No. 143 - Omnibus Opposition of Beth Materna at Paper No. 145 and 148.1
30.	10/8/2025	Abouelkhier	Emergency Motion to Object and to Stay Proceedings Pending Appeal Under Special Appearance (With Incorporated Memorandum of Law) - Paper No. 144 - Omnibus Opposition of Beth Materna at Paper No. 145 and 148.1
31.	10/22/2025	Minor child—by Fernandez	Motion to Strike and Memorandum of Law (Regarding “Plaintiff’s Opposition to the Four October 2025 Motions” filed by Jonathan D. Sweet, Esq.) - Not yet docketed. - Opposition of Beth Materna not yet docketed.
32.	10/23/2025	Minor child—by Fernandez	Motion to Vacate Omnibus Procedural Order No. 2, for Judicial Recusal Review, and to Stay All Case-Management Proceedings (with Incorporated Memorandum of Law) - Not yet docketed. - Opposition of Marina Bay Residences not yet docketed. - Opposition of Beth Materna not yet docketed.
33.	10/28/2025	Fernandez	Motion to Enforce Minor’s Rule 23 Rights, Compel Compliance, Protect Absent Putative Class Members, and Require Insurance Disclosure With Incorporated Memorandum of Law: Mass. R. Civ. P. 1, 9A, 17(c), 23, 24, 26(c), 77, 79; Mass. Decl. of Rights, art. 11 - Paper No. 148 - Opposition of Beth Materna at Paper No. 145 and 148.1 - Reply at Paper No. 148.2

Outstanding Notices Filed By Non-Parties

#	Date Filed	Filed By	Title
1.	5/6/2025	Abouelkhier	Notice of Intent to Seek Vacatur, Preservation of Rights, and Supplemental Notice Regarding Void Orders - Paper No. 64
2.	5/14/2025	Abouelkhier	Notice of No Opposition to Motion to Intervene - Paper No. 66

#	Date Filed	Filed By	Title
3.	5/16/2025	Fernandez	Supplemental Declaration Regarding Service, Procedural Position, and Notice of Independent Intervention - Paper No. 67
4.	5/21/2025	Abouelkhier	Supplemental Notice Regarding Transcript Filing and Request to Defer Record Transmission Pending Rule 54(b) Ruling - Paper No. 76
5.	6/10/2025	Fernandez	Notice Regarding Unauthorized Participation by Withdrawn Attorneys and Urgent Request for Court Enforcement of Rules - Paper No. 123 - Omnibus Response of Marina Bay Residences at Paper No. 126
6.	6/21/2025	Fernandez	Notice of Appearance and Procedural Reservation by Sandra Fernandez Regarding Hearing on Motion to Intervene - Paper No. 121 - Omnibus Response of Marina Bay Residences at Paper No. 126
7.	6/30/2025	Abouelkhier	Supplemental Notice of Appeal Pursuant to Mass. R. App. P. 3 and 4 - Paper No. 84 - Omnibus Response of Marina Bay Residences at Paper No. 126
8.	7/10/2025	Abouelkhier	Notice of Retaliatory Default, Corrective Settlement Offer and Appellate Review (Filed Under Special Appearance and Full Reservation of Rights) - Paper No. 87 - Omnibus Response of Marina Bay Residences at Paper No. 126
9.	7/11/2025	Fernandez	Notice of Unauthorized Settlement Demands Seeking to Waive Nonparty Rights (Filed Under Special Appearance and Full Reservation of Rights) - Paper No. 124 - Omnibus Response of Marina Bay Residences at Paper No. 126
10.	7/15/2025	Abouelkhier	Notice of Attorney Misconduct, Fraud on the Court, and Preservation of Record for Appellate Review - Paper No. 92 - Omnibus Response of Marina Bay Residences at Paper No. 126
11.	7/15/2025	Abouelkhier	Notice to Transfer Case to the Appeals Court and Request for Assembly of the Record (Filed Under Special Appearance and Full Reservation of Appellate and Federal Rights) - Paper No. 93 - Omnibus Response of Marina Bay Residences at Paper No. 126
12.	7/17/2025	Fernandez	Request for Assembly of the Record, Request for Transcript and Transmission to the Appeals Court - Paper Nos. 94, 117 - Omnibus Response of Marina Bay Residences at Paper No. 126
13.	7/17/2025	Fernandez	Notice of Reservation of Federal Rights and Intent to Seek Federal Review (Not a Notice of Removal – Filed Under Special Appearance) - Paper Nos. 96, 119 - Omnibus Response of Marina Bay Residences at Paper No. 126

#	Date Filed	Filed By	Title
14.	7/21/2025	Minor child—by Fernandez	Notice of Insurance Disclosure and Reservation of Rights (Filed Under Special Appearance and Without Waiver of Jurisdictional, Constitutional, or Appellate Rights On Behalf of Minor Child K.F., by his Legal Guardian Sandra Fernandez) - Paper No. 115 - Omnibus Response of Marina Bay Residences at Paper No. 126 - Reply at Paper No. 127
15.	7/24/2025	Minor child—by Fernandez	Emergency Notice and Demand for Docketing all Filings on Behalf of Minor K.F. (Kenzo), Under Rule 17(c), Indigency Law, and Article 10 Due Process - Paper No. 111 - Omnibus Response of Marina Bay Residences at Paper No. 126 - Reply at Paper No. 127
16.	7/28/2025	Fernandez	Second Notice of Appeal Pursuant to G.L. c. 231, s. 118; Mass. R. App. P. 4, 10, 15, 18, 18A - Paper No. 104 - Omnibus Response of Marina Bay Residences at Paper No. 126
17.	7/30/2025	Fernandez	Supplemental Notice of Ethical Objection, Conflict of Interest, and Request for Appellate Record Inclusion Filed Under Special Appearance and Reservation of Rights Mass R. App. P. 8, 9(c), and 10; Mass. R. Civ. P. 77; Rules of Professional Conduct 1.6, 1.7, and 1.9 - Paper Nos. 95, 118 - Omnibus Response of Marina Bay Residences at Paper No. 126
18.	8/28/2025	Minor child—by Fernandez	Notice of No Opposition by Defendants Bozzuto Management Company and Delaney Barrett to Motion for Class Certification - Paper No. 139.5
19.	9/22/2025	Minor child—by Fernandez	Notice of No Opposition by Defendants Bozzuto Management Company and Delaney Barrett to Motion for Class Certification - Paper No. 139 - Opposition of Marina Bay Residences as to Motion for Class Certification at Paper No. 139.1 - Opposition of Beth Materna at Paper No. 139.3 - Replies at Paper Nos. 139.2, 139.4
20.	10/23/2025	Fernandez	Notice Regarding Evidentiary Filings, Insurance Investigations, and Record Preservation - Paper No. 147
21.	11/1/2025	Fernandez	Notice of Active Insurance and Lender Investigations, 2023 Financial Disclosures, and Protective-Order Misconduct - Not yet docketed.
22.	11/7/2025	Minor child—by Fernandez	Notice of Appellate Oversight and Preservation of Record (Filed under Special Appearance; Not a General Appearance; No Consent to Jurisdiction) - Not yet docketed.

Appeals Court Docket Information—2025-J-519

#	Date Filed	Filed By	Title	Court Action
1.	7/29/2025	Fernandez	Motion to Order Assembly of the Record - Opposition of Marina Bay Residences at Paper No. 27	8/29/2025 Order: “This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21).” (Brennan, J.).
2.	7/29/2025	Fernandez	Motion to Stay Under M.R.A.P. 6(a) - Paper No. 7 - Opposition of Beth Materna at Paper No. 19 - Opposition of Marina Bay Residences at Paper No. 27	<i>See 8/29/2025 Order.</i>
3.	7/29/2025	Fernandez	Emergency Motion to Stay Superior Court Proceedings Pending Appeal with Incorporated Memorandum of Law - Paper No. 8 - Opposition of Marina Bay Residences at Paper No. 27	<i>See 8/29/2025 Order.</i>
4.	7/29/2025	Fernandez	Emergency Motion to Compel Transmission of Case File to Appeals Court and to Protect a Minor Litigant from Retaliatory Default, Procedural Fraud, and Unlawful Waiver of Rights - Paper No. 14 - Opposition of Beth Materna at Paper No. 19 - Opposition of Marina Bay Residences at Paper No. 27	<i>See 8/29/2025 Order.</i>

#	Date Filed	Filed By	Title	Court Action
5.	7/29/2025	Abouelkhier	Motion to Compel Transmission of Complete Superior Court Case Files, Record Materials, and Docketed Filings with Incorporated Memorandum of Law - Paper No. 11 - Opposition of Beth Materna at Paper No. 19 - Opposition of Marina Bay Residences at Paper No. 27	<i>See 8/29/2025 Order.</i>
6.	7/31/2025	Abouelkhier	Motion for Stay Under Mass. R. App. P. 6(a) - Paper No. 17 - Opposition of Beth Materna at Paper No. 19 - Opposition of Marina Bay Residences at Paper No. 27	<i>See 8/29/2025 Order.</i>
7.	7/31/2025	Fernandez	Notice to the Court Regarding Docketing Status of Filings and Request for Full Record Preservation - Paper No. 18 - Opposition of Beth Materna at Paper No. 19 - Opposition of Marina Bay Residences at Paper No. 27	<i>See 8/29/2025 Order.</i>
8.	8/7/2025	Fernandez	Emergency Motion and Memorandum of Law to Strike Improper Omnibus Oppositions - Paper No. 20	<i>See 8/29/2025 Order.</i>
9.	8/8/2025	Fernandez	Motion to Strike - Paper No. 24	<i>See 8/29/2025 Order.</i>
10.	8/13/2025	Fernandez	Emergency Motion to Strike - Paper No. 28	<i>See 8/29/2025 Order.</i>
11.	9/23/2025	Fernandez	Motion to Enlarge Time to Seek Panel Review of Single-Justice Order - Paper No. 33	9/24/2025 Docket Entry: “RE#33: No action will be taken on the within as this single justice matter is closed. Although the petitioner's request is unclear, to the extent that the petitioner seeks to appeal the order of the single justice dated 08/29/2025, the petitioner may file a notice of appeal pursuant to Mass. R. A. P. 3&4.”
12.	9/29/2025	Fernandez	Notice of Appeal - Paper No. 35	
13.	10/3/2025	Abouelkhier	Appellant’s Motion for Leave to Docket Appeal Late (Mass. R.A.P. 10(a)(3)) - Paper No. 37	10/6/2025 Docket Entry: “RE#37: This case is closed. No action will be taken by the court on this or any future filing in this matter.”

Appeals Court Docket Information—2025-P-1218

#	Date Filed	Filed By	Title	Court Action
14.	10/24/2025	Fernandez	Motion to Correct and Supplement the Record - Paper No. 5	10/24/2025 Docket Entry: “RE#5: Denied without prejudice to renewal in the trial court.”
15.	11/7/2025	Fernandez	Notice of Appearance and Updated Contact Information - Paper No. 6	
16.	11/7/2025	Fernandez	Motion and Memorandum of Law to Enlarge Time to File Appellant’s Brief and Appendix - Paper No. 7	11/7/2025 Docket Entry: “RE#7: Allowed to 1/12/2026. Notice sent.”

Appeals Court Docket Information—2025-J-0726

#	Date Filed	Filed By	Title	Court Action
17.	10/7/2025	Abouelkhier	Motion for Leave to Docket Appeal Late (Mass. R.A.P. 10(a)(3)) - Paper No. 1	10/15/2025 Order: “Before me is a motion for leave to docket an appeal from an 08/29/2025 order of the single justice late. After review, the plaintiff’s motion is denied without prejudice to refiling a renewed motion on or before 10/22/2025 that describes in greater detail (1) the reason(s) for the delay in docketing the appeal and (2) the anticipated appellate issues in order to establish both excusable neglect and at least one meritorious appellate issue, as required. <i>See Tisei v. Building Inspector of Marlborough</i> , 3 Mass. App. Ct. 377, 378-79 (1975). The motion shall clearly state whether the plaintiff received notice of assembly of the record and, if so, when that notice was received. See Mass. R. A. P. 10(a)(1)(A) (“within fourteen days after receiving from the clerk of the lower court the notice of assembly of the record, each appellant... shall pay to the clerk of the appellate court the docket fee required by law or request waiver of the fee”).” (Englander, J.)

#	Date Filed	Filed By	Title	Court Action
18.	10/22/2025	Abouelkhier	Renewed Motion for Leave to Docket Appeal Late (Mass. R.A.P. 10(a)(3))	10/28/2025 Order: “RE#5: After review, the renewed motion to docket late is denied. Even assuming the plaintiff established excusable neglect for the delay, the plaintiff has failed to establish at least one meritorious appellate issue concerning the 08/29/2025 order of the single justice and none is evident on the record before me. <i>See Tisei v. Building Inspector of Marlborough</i> , 3 Mass. App. Ct. 377, 378-79 (1975).” (Englander, J.)

Supreme Judicial Court Docket Information—SJ-2025-0299

#	Date Filed	Filed By	Title	Court Action
1.	7/24/2025	Fernandez	Emergency Petition For Supervisory Relief Pursuant to G.L. c. 211, s. 3 with Certificate of Service - Paper No. 3	9/9/2025 Order: “This matter came before the Court, Gaziano, J., on the petitioner Sandra Fernandez's papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. <i>Commonwealth v. Fontanez</i> , 482 Mass. 22, 24 (2019).” (Gaziano, J.) - Paper No. 10
2.	8/13/2025	Fernandez	Emergency Motion to Strike, for Sanctions, Protective Orders, Order to Show Cause, and Referral to the Board of Bar Overseers with Incorporated Memorandum of Law with Certificate of Service - Paper No. 8	See 9/9/25 Order.
3.	9/9/2025	Fernandez	Motion for Reconsideration of Judgment Denying Relief under G.L. c. 211, s. 3 with Incorporated Memorandum of Law with Certificate of Service - Paper No. 12	10/15/2025 Docket Entry: “Per the within MOTION is DENIED without hearing.” (Gaziano, J.) - Paper No. 12

Supreme Judicial Court Docket Information—SJ-2025-0300

#	Date Filed	Filed By	Title	Court Action
1.	7/24/2025	Minor child—by Fernandez	Emergency Omnibus [Petition] for Relief, Investigation, Redactions, and Protection of Minor Pursuant to G.L. c. 211, s. 3 - Paper No. 3 - Opposition of Marina Bay Residences at Paper No. 16 - Opposition of Beth Materna at Paper No. 17	9/9/2025 Judgment: “This matter came before the Court, Gaziano, J., on the petitioner’s multiple papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. <i>Commonwealth v. Fontanez</i> , 482 Mass. 22, 24 (2019).” (Gaziano, J.) - Paper No. 20
2.	7/28/2025	Minor child—by Fernandez	Supplemental Emergency Notice and Motion to Stay Default Proceedings, Compel Docketing, and Protect a Minor Petitioner with Certificate of Service (See Paper #20) - Paper No. 7 - Opposition of Marina Bay Residences at Paper No. 16 - Opposition of Beth Materna at Paper No. 17	<i>See 9/9/2025 Judgment.</i>
3.	7/28/2025	Abouelkhier	Notice of Special Appearance by Dany Abouelkhier, pro se with Certificate of Service - Paper No. 9	
4.	7/28/2025	Abouelkhier	Emergency Motion to Intervene under Special Appearance by Dany Abouelkhier to Join in Petition to Compel Docketing, Stay Retaliatory Default Proceedings, Investigate Clerk Misconduct, and Protect Intertwined Constitutional Rights with Certificate of Service (See Paper #20) - Paper No. 11 - Opposition of Marina Bay Residences at Paper No. 16 - Opposition of Beth Materna at Paper No. 17	<i>See 9/9/2025 Judgment.</i>
5.	8/1/2025	Minor child—by Fernandez	Notice of Relevant Misconduct and Supplemental Filing on Behalf of Minor K.F. - Paper No. 13 - Opposition of Marina Bay Residences at Paper No. 16 - Opposition of Beth Materna at Paper No. 17	

#	Date Filed	Filed By	Title	Court Action
6.	8/14/2025	Fernandez	Supplemental Petition for Relief Under G. L. c. 211, s. 3 and Memorandum of Law with Certificate of Service - Paper No. 18	<i>See 9/9/2025 Judgment.</i>
7.	9/23/2025	Fernandez	Motion For Reconsideration of Judgment Denying Relief under G.L. c. 211, s. 3 with Incorporated Memorandum of Law and Certificate of Service - Paper No. 22	10/15/2025 Docket Entry: "Per the within, MOTION is DENIED without hearing." - Paper No. 22