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COMMONWEALTH OF MASSACHUSETTS
CLERK OF THE COURTS
NORFOLK COUNTY
THE TRIAL COURT

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT

Civil Action No. 2382CV00389

SANDRA FERNANDEZ,
Filed Under Special Appearance and Reservation of All Rights,

Petitioner,

v.

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

MOTION FOR AUTHORIZATION OF TRANSCRIPT AT STATE EXPENSE
(Filed Pursuant to Appeals Court Order Dated November 21, 2025)

INTRODUCTION

The appellant, Sandra Fernandez, respectfully moves this Court for an order authorizing the preparation of transcripts at state expense pursuant to G.L. c. 261, §§ 27A–27G. This motion is filed in Civil Action No. 2382CV00389, the trial-court docket underlying the pending appeal in the Massachusetts Appeals Court, and is submitted in direct compliance with the Appeals Court's Order dated November 21, 2025, which order appellant to request for transcripts at state expense in the trial court.

FACTUAL AND PROCEDURAL BACKGROUND

1. This action, docketed as **2382CV00389**, is the trial-court case from which an appeal is presently pending in the Massachusetts Appeals Court (now proceeding under

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B. The Requested Transcripts Are Reasonably Necessary for the Pending Appeal

The appeal arises from orders and proceedings in this action that cannot be meaningfully reviewed without reference to the trial-court record. The transcripts sought are necessary to permit the Appeals Court to evaluate the procedural and substantive issues raised on appeal and to ensure a complete and accurate appellate record.

C. This Motion Is Filed Solely to Comply With the Appeals Court's Order and Does Not Invoke Any Other Docket

This motion is filed only in Civil Action No. 2382CV00389, which is the trial-court docket underlying the pending appeal. It does not seek relief in, nor does it invoke, or unrelated proceedings. Its sole purpose is to comply with the Appeals Court's November 21, 2025 order and to facilitate proper assembly of the appellate record.

WHEREFORE

For the foregoing reasons, the appellant respectfully requests that this Court:

1. **Authorize the preparation of the necessary transcripts at state expense** pursuant to G.L. c. 261, §§ 27A–27G; and
2. Grant such other and further relief as this Court deems just and proper to effectuate compliance with the Appeals Court's directive and to preserve the appellant's appellate rights.

Respectfully submitted,

1. The first part of the document is a letter from the author to the editor of the journal.

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20. The twentieth part is a letter from the editor to the author.

Appeals Court Docket No. **2025-P-1463**).

2. On November 21, 2025, the Appeals Court entered an order denying the appellant's Motion for Authorization of Transcript at State Expense without prejudice to renewal in the trial court, and expressly directed that such relief be sought here.

3. The appellant now files this motion pursuant to and in compliance with that Appeals Court directive, seeking authorization from the trial court that generated the record subject to appellate review.

LEGAL STANDARD

Under G.L. c. 261, §§ 27A–27G, an indigent litigant is entitled to waiver of fees and costs, including the cost of transcripts, where such transcripts are reasonably necessary for appellate review.

Massachusetts courts recognize that access to transcripts is essential to meaningful appellate review, and that denial of transcripts to an indigent appellant may effectively foreclose appellate rights.

When the Appeals Court directs renewal of a transcript request in the trial court, the trial court's role is to determine indigency and necessity in order to permit proper assembly of the appellate record.

ARGUMENT

A. The Appellant Is Indigent Within the Meaning of G.L. c. 261

The appellant has previously filed an Affidavit of Indigency, which was accepted by the Appeals Court. That affidavit remains accurate. No material change in circumstances has occurred.

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2026 a copy of the foregoing was served electronically on all counsel of record.

DEFENDANT,
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Sandra Fernandez

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Date: January 7, 2026

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/s/ Sandra Fernandez
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