

Docketed 03/19/2026

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2382CV00389

BETH MATERNA, et al.,

Plaintiffs,

v.

MARINA BAY RESIDENCES, LLC, BOZZUTO

MANAGEMENT CO., and DELANEY BARRETT,

Defendants,

**APPELLANT SANDRA FERNANDEZ'S RENEWED LIMITED MOTION AND
MEMORANDUM FOR AUTHORIZATION OF TRANSCRIPT**

**(Filed Solely in Compliance with Appeals Court Direction, No Waiver of Appellate
Rights, Party-Status Objections, or Merits Position)**

Sandra Fernandez, appellant from the denial of intervention, appearing specially a...
solely for the limited purpose of complying with the Appeals Court's direction concerning
transcript authorization, respectfully renews her request for authorization of transcript,
limited to the **June 3, 2025, 2:00 p.m. hearing** on her motion to intervene.

This renewed motion is narrow and appellate in nature. It does not seek merits relief,
does not concede party status in this action, and does not waive any appellate rights,
jurisdictional objections, or previously preserved positions. It is filed only because the
Appeals Court directed appellant to seek transcript-related fee relief in the trial court in
connection with her pending appeal.

3/24/26

Upon review the Appellant, Sandra Fernandez, is required to order and purchase whatever portions of any court proceeding she believes she needs to prosecute her appeal. The Court declines to waive any fees associated with obtaining the transcripts of transcripts Appellant seeks. The Court has provided its written order and stated reasons why the Appellant, the Court, and must

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1. Background

Appellant has a pending appeal arising from the denial of intervention in this matter. The trial-court docket reflects that appellant's motion to intervene was filed on **May 7, 2025**, together with supporting papers, and that the hearing on that motion was continued to **June 3, 2025 at 2:00 p.m. by Zoom**. The docket further reflects that a **motion hearing was held on June 3, 2025 at 2:00 p.m. via Video/Phone** before the Court.

In compliance with the Appeals Court's direction, appellant previously moved for authorization of transcript. By endorsement dated **February 25, 2026**, this Court denied that request **without prejudice**, stating that the motion did not sufficiently explain why the transcript was necessary and directing that any further filing specify what portion of the transcription was required and why.

This renewed motion addresses that issue directly.

2. This renewed request does not revisit indigency; it cures only the specificity issue identified by the Court.

Appellant has already submitted the affidavit of indigency and supplemental indigency materials previously requested by the Court. The prior denial did not state that appellant failed to establish indigency. Rather, the Court denied the prior request without prejudice because it sought a more specific explanation of necessity.

Accordingly, this renewed motion does not revisit indigency. It is filed solely to provide the narrower identification and explanation the Court requested.

3. The transcript sought is limited to the specific hearing: the June 3, 2025 hearing on appellant's motion to intervene.

Appellant does not seek all hearings, all transcripts, or any broader transcription of the docket. She seeks at the moment the transcript of the **June 3, 2025, 2:00 p.m. hearing on her motion to intervene**, because that is the hearing directly tied to the subject of the pending appeal.

That limitation answers the Court's request for specificity as to "what portion" of the transcript is sought.

4. The June 3, 2025 hearing transcript is necessary for meaningful appellate review.

The transcript is necessary because the appeal challenges the denial of intervention itself. The written docket and file reflect that the motion was filed and heard, but they do not adequately preserve the Court's oral reasoning, procedural basis, findings made from the bench at that hearing.

That absence matters here. The denial of intervention was not adequately explained in a written endorsement sufficient to substitute for the oral record. Where the appeal turns on why intervention was denied, the transcript of the actual intervention hearing is the most direct and reliable record of:

- the issues argued,
- the legal standard applied,
- the Court's oral reasoning,
- and the procedural basis for the ruling.

Without that hearing transcript, meaningful appellate review is impaired because the Appeals Court would be left to infer the basis of the ruling from an incomplete written record.

This is precisely why appellant seeks only that hearing and no more.

5. Appellant acted promptly upon learning of the prior denial.

Appellant did not receive separate notice by mail or electronic notice of the Court's February 25, 2026 endorsement denying the prior motion without prejudice. Appellant learned of that endorsement only through subsequent review of the docket today. Upon discovering it, appellant acted promptly to renew the request in the narrower form invited by the Court.

That is why this renewed filing is being made now.

6. This filing is strictly limited and does not request merits relief.

This motion should not be construed as a general appearance, a waiver of appellate objections, consent to party status, or an invitation for merits adjudication in this Court. It is a limited appellate-support motion only, filed because the Appeals Court directed appellant to seek transcript funding relief in the trial court.

Appellant's request is therefore modest and precise: she asks only that the Court authorize, the transcript of the specific hearing directly relevant to the pending appeal from denial of intervention.

WHEREFORE,

appellant Sandra Fernandez respectfully requests that this Court **ALLOW** this renewed limited motion and authorize, at state expense, preparation of the transcript of

the **June 3, 2025, 2:00 p.m. hearing** on appellant's motion to intervene, together with such further limited relief as may be necessary to permit meaningful appellate review.

Respectfully submitted,

Sandra Fernandez, Pro Se
Appellant from denial of intervention,
by limited special appearance only,

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Date: March 18th, 2026

By: Sandra Fernandez

/s/ Sandra Fernandez

Sandra Fernandez

CERTIFICATE OF SERVICE

I hereby certify that on March 18th, 2026 a copy of the foregoing was served electronically on all counsel of record.

DEFENDANT,
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BY ITS ATTORNEYS,

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