

Docketed 1/14/26

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT
Civil Action No. 2382CV00389

BETH MATERNA on behalf of herself and all
others similarly situated,

Plaintiffs,

vs.

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

Defendants.

**JOINT MOTION TO RESET TRACKING ORDER
AND APPROVE EXPERT DEPOSITIONS**

NOW COME the parties to the above-captioned matter and jointly move pursuant to Superior Court Standing Order 1-88(D) to reset and amend the tracking order in this matter. As grounds, the progress of this putative class action was sidetracked and effectively stayed for an extended period of time as a result of the former plaintiff's and his wife's attempts to take over this case *pro se*, their service of nearly 200 *pro se* motions and other filings in this and other courts, Judge Leighton's decision to sever their claims into a separate civil action, and Judge Leighton's subsequent denial of their various motions challenging that decision – all of which is detailed in the court docket.

The parties now seek to get this case back on track and, to do so, propose a new tracking order in this complex putative class action.

As background, plaintiff brings this putative class action on behalf of herself and all other

similarly situated current and former residents and tenants of “Meriel Marina Bay,” a two-building, 352-unit apartment development in the Marina Bay section of Quincy, Massachusetts. The claims arise out of widespread water intrusion and leakage into the building envelope of each of the buildings that Plaintiff alleges caused structural damage, microbial mold growth, and unlawful conditions for the tenants, which damage has necessitated an ongoing, large-scale construction remediation project that began in late 2022 and reached substantial completion in late 2024. The defendants dispute that any conditions for the tenants have been unlawful and similarly dispute other factual and legal bases of the claims and have asserted numerous affirmative defenses.

At the time the case got sidetracked, the parties were in the midst of exchanging written discovery and scheduling depositions. (This had been delayed by a prolonged dispute regarding a protective order motion which has since been resolved by the Court).

No pre-trial conference date or trial date has been scheduled at this time. The Court’s allowance of this motion will not cause any party undue prejudice, delay, or expense, and will allow the parties time to complete discovery and obtain the relevant evidence needed to evaluate the case’s potential for settlement or alternative dispute resolution, as well as to prepare and respond to a class certification motion and any appropriate dispositive motions.

WHEREFORE, the parties respectfully request that the Court amend the tracking order deadlines as follows:

EVENT		PROPOSED DATE
Motions to amend and/or to join/substitute parties served		February 27, 2026
Fact discovery completed		October 31, 2026

Plaintiff's expert disclosures completed		November 30, 2026
Defendants' expert disclosures completed		January 29, 2027
Expert discovery completed		March 12, 2027
Class certification motion served		April 9, 2027
Opposition(s) to class certification motion served		May 7, 2027
Reply in support of class certification motion served		May 21, 2027
Hearing on class certification motion		Set for June 2027
Status conference for trial setting and other issues		Within 60 days after ruling on class certification
Rule 56 motion served		30 days after ruling on class certification
Rule 56 motion filed		30 days after Rule 56 motions served

The parties further request that the Court authorize them to depose disclosed trial expert witnesses pursuant to Mass R. Civ. P. 26(b)(4)(B).

Respectfully submitted by:

PLAINTIFF,
BY HER ATTORNEYS,

DEFENDANT,
MARINA BAY RESIDENCES, LLC,
BY ITS ATTORNEYS,

/s/ Jonathan D. Sweet

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Date: January 7, 2026

CERTIFICATE OF SERVICE

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

/s/ Kenneth D. Quat