

**COMMONWEALTH OF MASSACHUSETTS
METRO SOUTH HOUSING COURT – CANTON SESSION**

Docket Number: 24H82SP01628

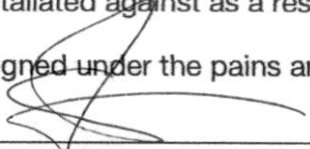
**Plaintiff: Marina Bay Residences, LLC
Defendant: Sandra Fernandez**

AFFIDAVIT OF SANDRA FERNANDEZ

I, Sandra Fernandez, being duly sworn, depose and state as follows:

1. I am the Defendant in the above-captioned matter.
2. I reside at 550 Victory Road Apt 339, Quincy, MA 02171.
3. I have personal knowledge of the facts set forth in my Answer and Counterclaim.
4. The statements made in my Answer and Counterclaim are true and accurate to the best of my knowledge and belief.
5. I have experienced significant mental and physical health issues as detailed in my counterclaim due to the actions of the Plaintiff and building management.
6. My minor son, Kenzo, has also experienced severe health issues due to mold exposure, as detailed in the counterclaim.
7. I have been actively involved in advocating for better living conditions and have been retaliated against as a result.

Signed under the pains and penalties of perjury this 19th day of July, 2024.



Sandra Fernandez

METRO SOUTH
HOUSING COURT
2024 JUL 19 P 3:53

METRO SOUTH
HOUSING COURT

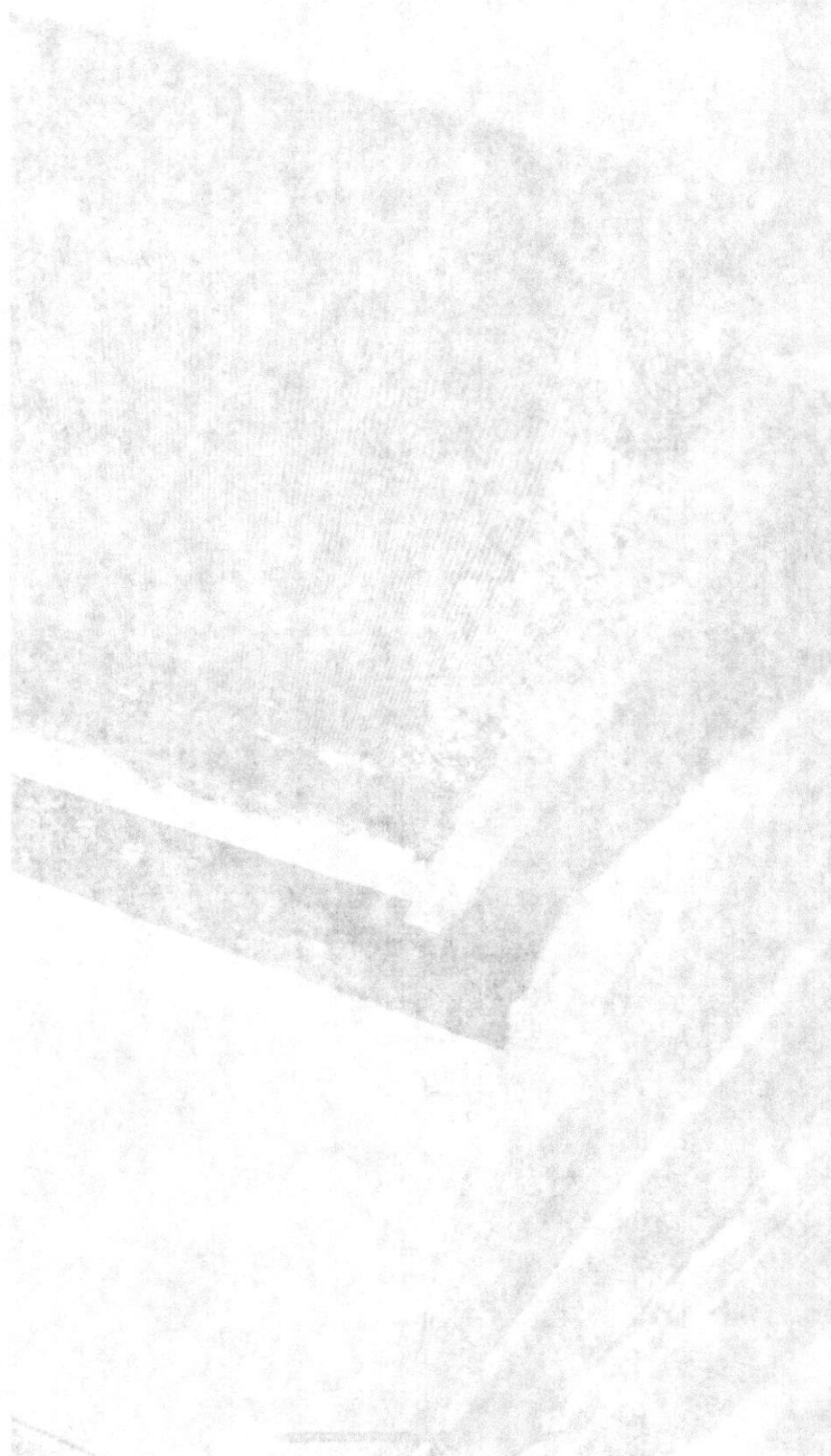
2024 JUL 19 P 3:53

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CAUTION
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COST OF REPLACING IT.
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Crop





9:48



49 Messages
Gym south building af...



On Apr 24, 2024, at 5:34 PM, sandra fernandez <sandrev14@yahoo.com> wrote:

Marli,

There is physical mold that is clearly visible, as well as certified mold tests confirming the presence of mold on surfaces (which matches the visible mold) when inspectors visit the unit. What more is needed for you to file a violation?

Tenants have repeatedly expressed their concerns to your inspectors, yet management denies the presence of mold. There is even a public lawsuit against the construction company where it's stated that there is mold in the roof and units!

Why are buildings in Quincy filled with mold? This is a widespread issue in many buildings around Quincy. Have you seen Ashlar Park in Quincy from Bozzuto?

Your inspectors are denying the presence of mold despite it being clearly visible (in significant amounts) and confirmed by mold tests. The mold tests even come with pictures taken during the swabbing process and of the areas being tested and shown to your inspectors.

Why do your inspectors misinterpret mold as dust? Why do we, as tenants, perceive the difference and obtain positive mold test results, yet you continue to deny its existence?

Why lately everyone is getting the same answers that is just dust and no more violations are being filed? Is that because they need to past the 5 years inspection after the south building is done to be able to continue renting the units? Because I can tell you, that we have and continue to have leaks and more mold than ever

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From: sandra fernandez

<sandrev14@yahoo.com>

Sent: Thursday, April 25, 2024 4:07 PM

To: Marli Casli <mcasli@quincyma.gov>;

HELEN M MURPHY

<HMURPHY@quincyma.gov>; Stephen Cobble

<scobble@quincyma.gov>

Subject: Re: Gym south building after cleaning today

Marli,

Could you please send me the writing report of the last visit to my unit for the HVAC from your inspectors, Michael and Stephen were there and said is just "DUST"

Thank you,
Sandra

(18)

From: sandra fernandez

<sandrev14@yahoo.com>

Date: May 1, 2024 at 8:08:57 PM EDT

To: Stephen Cobble

<scobble@quincyma.gov>, Marli Caslli

<mcaslli@quincyma.gov>, HELEN MURPHY

<HMURPHY@quincyma.gov>

**Subject: Re: Gym south building after
cleaning today**

I would like the prior statements of my units
when I first had mold on my walls and
before this last Christmas visit with Michael
in my unit.

Thank you

Sent from my iPhone

9:46



3 Messages



Latest exchanges bet...



Good morning, Stephen,

I am extremely shocked by your false statement!

Now it's more than clear what's happening here...

When I called you to come to my apartment, which was before Christmas, you arrived with Michael. I told you I suspected mold on my HVAC and that I was going to perform mold tests.

I then went ahead and performed my mold test, including the surface test on the HVAC for visible mold. The results came back extremely high on my HVAC.

I followed up by contacting you to revisit my unit. That's when you came on 1/31/2024, and I informed you and Michael about my positive surface test!!! I even showed you where the mold test was performed!

I will post the date of one of my mold tests, which showed extremely high levels. I also informed you that my son was extremely sick.

I am disgusted by how the health department is acting and their negligence.

My husband was a witness to this.
<image2.jpeg>

<image1.jpeg>



On Feb 5, 2024, at 5:02 PM, Meriel Marina Bay <MerielMarinaBay@bozzuto.com> wrote:

Dear Sandra,

Your unit was inspected at 12:30pm today by our maintenance team after your reports of mold growth on your washing machine and in your HVAC unit. There was discoloration with visible moisture noted on your washing machine. It is your responsibility to keep surfaces dry so excessive nutrients do not build up, and this can be easily cleaned and avoided in the future by wiping excess moisture in the washing machine. The HVAC system had a slight buildup of debris that appears to be easily cleaned, and no apparent mold growth. There has been no reported leaks or water intrusion in your unit and external work is completed.

There is nothing observed that requires remediation or further attention of any kind, however due to the sensitivities you've previously described we would like to have our environmental consultant visit to inspect these areas and perform any additional testing they feel is appropriate. Please let us know when we may schedule this.

Best,

Meriel Marina Bay

552 Victory Road | Quincy, MA 02171

617.415.9497 | www.merielmarinabay.com

<Outlook-v0nn3bh3.png>

NAMED A TOP WORKPLACE BY THE WASHINGTON POST
SEVEN YEARS IN A ROW

NAMED #1 IN THE US FOR ONLINE REPUTATION SEVEN
YEARS IN A ROW

10:15



2 Messages

URGENT IMPORTANT



<sandrevia14@yahoo.com>

Sent: Monday, February 5, 2024 8:41 PM

To: Meriel Marina Bay

<MerielMarinaBay@bozzuto.com>

Subject: Re: S339 Maintenance Request 2/5/24

I want to reiterate that prior to Greg's visit today, Leah was informed about the positive mold test I conducted. It's concerning that you continue to waste my time by sending Greg, a maintenance employee without PPE protection, especially when employees often face direct contact with mold without appropriate safeguards for years!

This recurring situation, coupled with the denial of the issue, is causing unnecessary strain. The expectation was for Greg to come with an expert, yet days go by, and breathing mold remains a concern. Your denial is causing a significant delay in addressing this issue.

Are you going to, once again, put me through stress to fight the mold in my apartment? This continuous strain and the unsafe living environment are contrary to your obligation as landlords to ensure compliance with sanitary codes. The ongoing mental stress is an abuse affecting not only me but everyone in this building. What is the reason behind this pattern of neglect?

I've endured construction for almost 14 months, with repeated wall openings and mold discoveries. Retaliation after filing a lawsuit to assert our rights, and now this situation. My son was and is sick due to mold and I informed you about it repeatedly!

Should I bring in my own company to remediate and send you the bill to ensure the safety of my apartment?

I informed your team about the mold findings six days ago. How long will it take



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sandra fernandez

To: Meriel Marina Bay >

2/8/24



Full Resolution Images

No longer available as of Mar 9, 2024



Dear Management,

First and foremost, I would appreciate knowing the full name of the individual I am addressing.

Secondly, thank you for your email. Once again, your response reinforces the pattern of constant retaliation whenever we bring up mold issues or any other concerns. It's common knowledge that mold is frequently found in units and common areas in this building, and addressing it becomes unnecessarily challenging for us. Which is making it extremely stressful for me and mentally exhausting.

I would like to remind you that when I signed my lease, I had no knowledge whatsoever about future construction, structural damage, lawsuits against the construction company, water damage, or any mold issues in my unit or the building. I have emails to provide evidence of this, including denials of any mold findings in units and the building by your team when asked, despite clear indications that your team had knowledge of these issues for years.

Furthermore, Leah Cataldo again last week, claimed that I did not have any construction around my unit. I have videos and pictures to support my assertion that, even after 14 months, there is still active construction around my unit and within the building inside and outside.

Allow me to remind you that prior to your company, Hillman and Blue Sky, opening my son's bedroom walls an air mold test was

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company, Hillman and Blue Sky, opening my son's bedroom walls, an air mold test was conducted in my living room by Hillman, yielding positive results. This test was conducted after mold was found twice in my master bedroom, and I mention this to ensure clarity and avoid any miscommunication between us. Furthermore, I have video, photos and emails evidence to support these claims.

However, upon inspection after the walls were opened in my son's bedroom, no mold was found inside them.

Hillman then conducted a new air mold test in my son's bedroom while the exterior walls and interior walls were still undergoing facade work, with only plywood installed and drywall removed from the inside (I have pictures for clarification). At the same time, my son's bedroom had a professional HEPA filter provided by Blue Sky running for the prior 48 hours. Despite these, Hillman proceeded with the air mold test inside my son's bedroom, which, unsurprisingly, came back negative. It doesn't require exceptional insight to anticipate such results, as I promptly informed Delaney and Leah about this outcome.

I formally communicated this issue to Leah Cataldo in writing, who assured me that the mold test would be redone. However, in what appears to be retaliation once the lawsuit was filed, Leah Cataldo failed to follow through with their commitment and acknowledged the lawsuit via email and stated that no further action will be conducted in our unit due to the lawsuit and any communication will be only through attorneys from that moment.

This neglect has left us in a precarious situation, as the initial positive mold test suggests contamination elsewhere in the apartment.



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5 Messages

Hillman & HVAC



This neglect has left us in a precarious situation, as the initial positive mold test suggests contamination elsewhere in the apartment.

I want to emphasize that my statements are supported by evidence. I am willing to provide recent certified mold test results and photographic evidence to substantiate my claims via attorneys and in the class action lawsuit.

Despite months of waiting, you have failed to address our concerns or ensure that we reside in a safe and sanitary environment, as is your responsibility as landlords.

Given the apparent incompetence and lack of integrity displayed by Hillman, I am unwilling to trust them to conduct further mold tests in my unit. Instead, I insist on hiring a different company, one that will adhere to industry standards and conduct both air and surface testing, as I did myself.

It is imperative that future mold testing companies provide clear instructions and adhere to established protocols. It is unacceptable for Hillman, or any company, to neglect such crucial procedures, including prior the testing instructions to follow.

Please provide me with a new trustworthy and certified mold testing company prior to setting an appointment that needs to be pre approved by my attorneys.

I also request immediate proof of Greg's background knowledge about mold to support the claim that I don't have any mold. To my knowledge, he doesn't possess any expertise in this area. In fact, he explicitly stated, in front of witnesses including my neighbor, husband, and son who overheard the conversation from different rooms, that he has absolutely NO knowledge about mold and was merely acting as a messenger.



10:14



< 17

5 Messages

Hillman & HVAC



I also request immediate proof of Greg's background knowledge about mold to support the claim that I don't have any mold. To my knowledge, he doesn't possess any expertise in this area. In fact, he explicitly stated, in front of witnesses including my neighbor, husband, and son who overheard the conversation from different rooms, that he has absolutely NO knowledge about mold and was merely acting as a messenger.

Regarding the HVAC, you have a sticker, which I will provide pictures of, that clearly states no maintenance has been done for the past two years. This assertion is supported by evidence. Your team only comes (I'm always home) and changes the filter in seconds, which, in addition, is too small. I did ask certified HVAC companies, they did inform me, that just changing the filter is not a proper maintenance for an HVAC.

I look forward to your prompt response and cooperation in resolving this matter.

Sincerely,
Sandra



(26)



Galen Shrand

To: [sandra fernandez >](#)

5/6/24

Mold/Moisture Standard Practices Legislation - Galen Shrand Follow Up

Hi Sandra,

I hope this email finds you well. Rep Ayers asked me to follow up with you regarding potentially filing legislation in the House that would address standard practices in Massachusetts when it comes to identifying and remediating mold/moisture levels in residential buildings.

I know you mentioned during our meeting on Friday that you identified laws in other states that address this issue. When convenient, please feel free to forward me any information you found on current laws pertaining to this issue and I will review the materials and compare to current Massachusetts statutes.

As you may be aware, the filing deadline for new bills has passed for this legislative session, which means our next opportunity to file a bill in the House will come in January, 2025.

Please let me know if you have any questions regarding the legislative process.

Sincerely,
Galen

Galen Shrand
Legislative Aide

Office of State Representative Bruce Ayers
1st Norfolk District - Quincy & Randolph
State House | Room 254 | Boston, MA 02133
(617) 722-2220 ext 8429



Meriel Marina Bay

To: sandra fernandez >

2/16/23



Hi Sandra,

Please see my responses below in red:

I would like to know why we are having a second renovation on our outside walls?

The work completed last year, was strictly to reinforce the balcony structure.

We had one a year ago, now again?

The project that we are about to begin is to repair the exterior façade.

What's happening in the walls or inside apartments to have such a massive construction?

No repairs are being done to the interior walls and we are just upgrading the exterior façade program.

I would like to be informed if any mold has been found in the building walls? Or inside apartments?

We do not have any reports of mold.

In regards to your questions on timeline:

We have provided updates as we have

(26)

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