

COMMONWEALTH OF MASSACHUSETTS

METRO SOUTH HOUSING COURT - CANTON SESSION

**METRO SOUTH
HOUSING COURT**

2024 JUL 26 A 10:48

Plaintiff: Marina Bay Residences, LLC

v.

Defendant: Sandra Fernandez de Villavicencio Frommer

Case No.: 24H82SP01628

DEFENDANT'S REQUEST FOR DISCOVERY

TO:

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AND TO:

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10. Michael Lindsay
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11. Bozzuto Management Co.
c/o Ted Papadopoulos, Esq.
AMPS Law P.C.
304 Cambridge Road, Suite 440
Woburn, MA 01801

12. Marina Bay Residences, LLC
c/o Kate Moran Carter, Esq.
Dain, Torpy, Le Ray, Wiest and Garner, P.C.
175 Federal St, Boston, MA 02110

Dear Attorneys,

Pursuant to Rule 26 of the Massachusetts Rules of Civil Procedure and in accordance with my rights to obtain relevant information for the preparation of my defense, the Defendant, Sandra Fernandez de Villavicencio Frommer, hereby requests that the Plaintiffs, Marina Bay Residences, LLC, Bozzuto Management Co., Leah Cataldo, Michael Lindsay, Delaney Barrett, and the involved attorneys produce the following documents and information within ten (10) days of the date of service of this request:

1. Mold Inspection Documents:
 - All documents related to the mold inspections and tests conducted at the Defendant's apartment located at 550 Victory Road Apt 339, Quincy, MA 02171. This includes, but is not limited to, reports, emails, correspondence, photographs, test results, and notes taken by inspectors and management.
2. Internal Communications:
 - Any and all internal communications within Marina Bay Residences, LLC, Bozzuto Management Co., Leah Cataldo, Michael Lindsay, Delaney Barrett, and the involved attorneys regarding the Defendant's complaints about mold and the health issues experienced by her minor son, Kenzo Fernandez de Villavicencio. This includes emails, memos, meeting minutes, and other correspondence.
3. Notices and Communications:
 - Copies of all notices and communications sent to the Defendant, including but not limited to, notices of entry, notices of mold remediation, and any other notices related to the condition of the apartment.
4. Public Filing Documents:

- All documents related to the decision to include the Defendant's lease and personal information in the public filing of the class action lawsuit, including but not limited to, emails, memos, and notes from attorneys and management.

5. Communications with Attorneys:

- Any and all communications between the Plaintiffs and the attorneys representing Marina Bay Residences, LLC, Bozzuto Management Co., Leah Cataldo, Michael Lindsay, and Delaney Barrett regarding the Defendant and her minor son, Kenzo Fernandez de Villavicencio.

6. Health Department Reports:

- Copies of all health department reports and correspondence related to inspections and complaints made by the Defendant regarding mold and other hazardous conditions in the apartment.

7. Eviction Documents:

- Any and all documentation related to the eviction proceedings initiated against the Defendant, including internal communications, decision-making documents, and correspondence with legal counsel.

8. Policies and Procedures:

- All documents related to the Plaintiffs' policies and procedures for handling tenant complaints about health and safety issues, including mold and other environmental hazards.

9. Training Records:

- Any records of training provided to employees and management regarding the handling of tenant complaints and the management of mold and other environmental hazards.

10. List of Involved Individuals:

- A list of all employees, agents, and contractors involved in the inspections, communications, and decisions related to the Defendant's apartment, including their roles and responsibilities.

11. Phone Recordings:

- Any and all phone recordings made by Leah Cataldo, Michael Lindsay, and Delaney Barrett involving the Defendant, Sandra Fernandez de Villavicencio Frommer. This includes all recordings, particularly those involving the Defendant, Leah Cataldo, Michael Lindsay, and Delaney Barrett.

12. Communications About the Defendant:

- All messages, emails, and any other forms of communication regarding the Defendant or her son, Kenzo Fernandez de Villavicencio, between employees, maintenance staff, and management. This includes all communications between the aforementioned parties regarding any actions, complaints, or discussions related to the Defendant's apartment, mold issues, the health of her minor son, and discussions about their private life.

13. Login Records and Activities:

- All login records and activities of the management company and any involved plaintiffs into the tenant application systems. This includes all logs showing who logged in, the dates and times of access, and any changes made to the accounts since 2018.

Please ensure that any discovery provided includes the redaction of minor's information to protect the privacy of Kenzo Fernandez de Villavicencio, in accordance with applicable laws and regulations.

Please also note that the Defendant will not waive her right to obtain this discovery and will not sign any confidentiality agreement that would limit her ability to obtain necessary information. The Defendant allows for the redaction of her minor son's information for privacy protection but firmly maintains her right to access all relevant discovery without restrictions.

Additionally, the Defendant seeks to clarify that this request for discovery is made without waiving any rights in the ongoing class action lawsuit and the G.L. c. 93A claims.

Additionally, the Defendant seeks to clarify that this request for discovery is made without waiving any rights in the ongoing class action lawsuit and the G.L.C. 93A claims.

The Defendant allows for the redaction of her minor son's information for privacy protection but does not intend to waive any discovery without restriction. Please also note that the Defendant will not waive her right to obtain this discovery and will not sign any confidentiality agreement that would limit her ability to obtain necessary information. Please ensure that any discovery provided includes the redaction of minor's information to protect the privacy of Kenzo Fernandez de Vilavencio, in accordance with applicable laws and regulations.

18. All log-in records and activities of the management company and any involved plaintiffs into the tenant application system. This includes all logs showing who logged in, the dates and times of access, and any changes made to the accounts since 2018.

19. Log-in Records and Activities. All messages, e-mails and any other form of communication regarding the Defendant or her son, Kenzo Fernandez de Vilavencio, between employees, maintenance staff, and management. This includes all communications between the aforementioned parties regarding any actions, requests, or discussions related to the Defendant's apartment, mold issues, the noise of her grandson, and discussions about their civil life.

20. Common areas about the Defendant. Any and all phone recordings made by Leah Cataldo, Michael Lindsay, and Delaney Barrett involving the Defendant, Kenzo Fernandez de Vilavencio, Kenzo. This includes all recordings, particularly those involving the Defendant, Leah Cataldo, Michael Lindsay, and Delaney Barrett.

21. Phone Recordings. A list of all employees, agents, and contractors involved in the redactions, communications, and decisions related to the Defendant's apartment, including their roles and responsibilities.

22. Training Records. Any records of training provided to employees and management regarding the handling of tenant complaints and the management of mold and other environmental hazards. A list of involved individuals.

23. All documents related to the Plaintiff's policies and procedures for handling tenant complaints about health and safety issues, including mold and other environmental hazards. Correspondence with legal counsel.

24. Police and Prosecutor. The Defendant, including internal communications, decision-making documents, and any and all documentation related to the eviction proceedings initiated against the Defendant.

25. Eviction Documents. Copies of all health department reports and correspondence related to inspections and complaints made by the Defendant, regarding mold and other hazards. Conditions in the apartment.

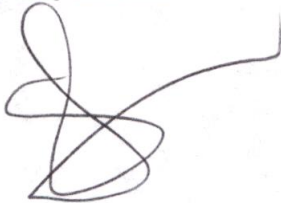
26. Health Department Reports. Any and all communications between the Plaintiff and the attorneys representing Maria Bay Residences LLC, Property Management Co., Leah Cataldo, Michael Lindsay, and Delaney Barrett regarding the Defendant and her minor son, Kenzo Fernandez de Vilavencio.

27. All documents related to the decision to include the Defendant's lease and personal information in the public filing of the class action lawsuit, including but not limited to, email, memos, and notes from attorneys and management.

This request is made to ensure a fair and thorough adjudication of the issues in this case and to protect the rights and health of the Defendant and her minor son, Kenzo.

Respectfully submitted,

Sandra Fernandez de Villavicencio Frommer
550 Victory Road Apt 339
Quincy, MA 02171
Date: July 26, 2024

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the right.