

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

Docket Number: 24H82SP01628

Plaintiff:

Marina Bay Residences, LLC

Defendant:

Sandra Fernandez

ANSWER AND COUNTERCLAIM

METRO SOUTH
HOUSING COURT
2024 JUL 19 P 3:52

1. Introduction

Sandra Fernandez, the Defendant in the above-captioned matter, hereby files this Answer and Counterclaim against the Plaintiff, Marina Bay Residences, LLC, in response to the Complaint for Eviction. This Counterclaim is filed within the legal framework established by the Commonwealth of Massachusetts and seeks to highlight the egregious, retaliatory, and coercive nature of the eviction proceedings initiated by the Plaintiff.

2. Background

- a. The Defendant, Sandra Fernandez, resides at 550 Victory Road Apt 339, Quincy, MA 02171, along with her minor son, Kenzo.
- b. The Defendant is actively involved in a **class action lawsuit** against the Plaintiff and the building management, Bozzuto Residences, LLC. The lead plaintiff in the class action lawsuit is Dany Abouelkhier. The lawsuit includes extensive **claims under G.L. c. 93A**, including but not limited to:

- **Unfair and Deceptive Acts and Practices**
- **Breach of the Covenant of Good Faith and Fair Dealing**
- **Violation of Consumer Protection Laws**
- **Fraudulent Misrepresentation**
- **Negligent Misrepresentation**
- **Failure to Disclose Material Facts**
- **Breach of Contract**
- **Retaliatory Eviction (under G.L. c. 186, § 18)**

The class action lawsuit seeks comprehensive relief, including repair and remediation of the property, cessation of retaliatory actions, and compensation for damages. The lawsuit has garnered significant media attention, including coverage by 7 News, Boston Globe, Patriot Ledger, and more.

3. Severe Health Issues of Kenzo Fernandez

a. Kenzo Fernandez, the Defendant's minor son, has been severely impacted by the persistent mold in the apartment. The exposure to mold has led to debilitating health issues, including:

- **Chronic Respiratory Problems:** Kenzo has developed severe respiratory problems, requiring the use of inhalers and frequent medical consultations. These respiratory problems have severely limited his ability to engage in normal activities and have caused significant distress.
- **Severe Allergic Reactions:** Kenzo suffers from constant allergic reactions, including skin rashes, itching, and swelling. These reactions often lead to sleepless nights and require continuous medical attention and medication.
- **Sinus Infections:** Kenzo has been plagued by chronic sinus infections, leading to frequent headaches, facial pain, and difficulty breathing. These infections have necessitated numerous rounds of antibiotics and medical treatments.
- **General Health Decline:** The cumulative effect of these health issues has resulted in a general decline in Kenzo's health and well-being. He has missed numerous school days, impacting his education and social development.
- **Potential Long-Term Effects:** Exposure to certain types of mold can lead to serious long-term health issues, including but not limited to lung cancer, neurological problems, immune system suppression, and toxic effects due to mycotoxins. These potential long-term effects add to the severe emotional and psychological toll on Kenzo and the entire family.

b. Despite the clear evidence of mold and the severe health consequences for Kenzo, the Plaintiff and the building management have consistently denied the presence of mold and failed to take necessary remediation actions. This neglect and failure to act have directly contributed to the deterioration of Kenzo's health.

c. Kenzo has suffered from sleep disturbances due to his health issues, missing school days and extracurricular activities, including sports. He started developing rashes in 2018, which have persisted and worsened over time. The Defendant can provide proof of these health issues if needed.

d. The Defendant and her son spent the entire winter without heat due to mold in the HVAC system, causing them to endure freezing temperatures. The building management and the Plaintiff's attorneys were notified of the HVAC mold and Kenzo's health situation but failed to take appropriate action.

e. The Defendant is now spending the summer without air conditioning, enduring extreme humidity and heat waves. Due to Kenzo's compromised immune system, opening windows for ventilation is not an option, as pollen and other allergens could further harm his health. This has created an unbearable living situation, with the Defendant unable to provide a safe and comfortable environment for her son.

4. Breach of Privacy Motion to Dismiss Delaney Barrett

a. The Plaintiff, along with their attorneys, breached the privacy of the Defendant's minor son, Kenzo, by sharing the Defendant's lease publicly in the class action lawsuit. This document included Kenzo's full name and address, including the unit number, exposing him to potential harm and unwarranted attention. This breach of privacy has caused significant emotional distress and anxiety for both Kenzo and the defendant, knowing that Kenzo's private information has been publicly disclosed.

b. The same attorneys are fighting to keep discovery private from tenants, public interest, and potential other buildings with hazards, yet they are publicly sharing private information about a minor. This contradiction underscores the Plaintiff's and their attorneys' unethical practices.

c. As attorneys, they should have known the importance of redacting the filings in a lawsuit. Redacting the name of a minor should have been done by these attorneys before filing it. They did this purposefully to publicly expose our names, to coerce, retaliate, and scare us. This action shows the nature of their tactics and the type of people they are.

d. The Defendant asserts counterclaims against the following Bozzuto attorneys for their involvement in filing the motion to dismiss Delaney Barrett, leading to the breach of Kenzo's privacy:

- **Attorney Ted Papadopoulos, Amps Law P.C.**
- **Attorney Gregory P. Sapire, Esq.**
- **Attorney Kate Moran Carter, Esq.**
- **Attorney Raj Aujla, Esq.**
- **Attorney Daniel P. Dain, Esq.**
- **Attorney James Bragdon, Esq.**
- **Attorney SANGEETHA KANNAN, ESQ**

e. The Defendant also asserts counterclaims against Delaney Barrett for her direct involvement in sharing Kenzo's information in the motion to dismiss.

f. These counterclaims include, but are not limited to, the following violations:

- **Violation of the Massachusetts Privacy Act (M.G.L. c. 214, § 1B):** The act protects individuals from unreasonable, substantial, or serious interference with their privacy.
- **Violation of Massachusetts General Laws on the Protection of Minors (M.G.L. c. 66A):** These laws safeguard the privacy and protection of minors, prohibiting the unauthorized dissemination of their personal information.
- **Violation of Federal Privacy Laws:** Including, but not limited to, the Children's Online Privacy Protection Act (**COPPA**), which restricts the collection and dissemination of personal information about minors without parental consent.
- **Neglect:** By failing to protect Kenzo's privacy, the Plaintiff and their attorneys neglected their duty of care towards a minor, causing significant emotional distress.
- **Intentional Infliction of Emotional Distress:** The Plaintiff's and their attorneys' actions were deliberate and intended to cause emotional distress to the Defendant and her son, Kenzo.
- **Violation of Massachusetts General Laws on Child Protection (M.G.L. c. 119, § 51A):** Mandates the protection of children from abuse and neglect, including the safeguarding of their personal information.
- **Potential Criminal Charges:** The unauthorized dissemination of Kenzo's personal information may constitute criminal conduct under Massachusetts and federal law, including identity theft (M.G.L. c. 266, § 37E), and warranting further investigation and potential prosecution.

g. The Defendant requests that the housing court order the removal of Kenzo's personal information from the class action lawsuit documents in Superior Norfolk Court to protect his privacy and safety.

h. The Defendant requests that the court consider imposing fines on the involved attorneys and reporting them to the Board of Bar Overseers for their breach of privacy and unethical conduct.

Some of these attorneys are not Massachusetts-based and practice in Delaware and Texas; therefore, the Board of Overseers in their respective states should be informed. These actions could potentially lead to disciplinary measures, including the suspension or revocation of their licenses to practice law.

i. The Defendant requests that the court consider referring the matter to the appropriate authorities for potential criminal charges related to the unauthorized dissemination of Kenzo's personal information.

5. Retaliation, Coercion, and Intimidation

a. The Defendant asserts that the eviction proceedings are being used as a tactic to coerce her and her co-plaintiffs into signing a confidentiality agreement and dismissing Delaney Barrett from the class action lawsuit. The Plaintiff has explicitly linked the provision of discovery materials in the class action lawsuit to the signing of this agreement, which aims to prevent the truth from coming out and to avoid public scrutiny.

b. The Plaintiff's actions are aimed at avoiding negative publicity and preventing tenants from sharing their experiences and reviews on platforms such as Google and Yelp, which are in the public interest. The Defendant believes this is a direct attempt to suppress tenant rights and manipulate the legal process for the Plaintiff's benefit.

c. The Plaintiff has been using the lack of enforcement and filing of violations by the health department to their advantage. Despite visible mold and certified mold tests provided by tenants, including the Defendant, the health department has consistently failed to file violations. This failure has been used by the Plaintiff, including their legal representative Ted Papadopoulos, to dismiss tenant complaints and avoid accountability.

d. The health department has even threatened tenants with criminal court actions and fines up to \$500 a day for filing complaints, creating a hostile environment that discourages tenants from seeking help. The Defendant and other tenants have contacted higher authorities, including the Massachusetts Health Department, state representatives, council members, and the mayor of Quincy, seeking assistance and advocating for the introduction of a mold law in Massachusetts.

e. Marina Bay Residences LLC (owned by Hines, a \$96 billion company) has a public lawsuit against Callahan in the Norfolk Superior Court due to many issues raised in the class action and this counterclaim. This lawsuit highlights the systemic problems within the property and management.

f. The Defendant has been actively searching for a new apartment, and the Plaintiff's attorneys are well aware of this. The Defendant has communicated her intention to leave the premises, making the eviction proceedings entirely unnecessary. This eviction is a clear act of retaliation, as the Plaintiff has also refused to renew the Defendant's lease despite her residency since 2018.

g. The Plaintiff's employees, management, have insulted, coerced, and lied to tenants, creating an environment of fear and mistrust. The Defendant and other tenants have been made to feel powerless and threatened by the management. Delaney Barrett, who has been complicit in these actions, was rewarded with a raise and a transfer to another building, demonstrating how Bozzuto and Hines reward unethical behavior.

h. Despite claims by the constable that notifications have been mailed, the Defendant and other co-tenants have not received these letters. This failure to properly serve notices is deeply concerning and raises questions about the integrity of the process. Given the management and ownership of the building, there is a potential conflict of interest, and interference with mail delivery cannot be ruled out. The Defendant requests that future notifications be served in hand, via email, or via certified mail with proof of signature received by each tenant to ensure they are received and to allow adequate time to prepare for court dates.

i. The Defendant asserts that the filing of this eviction against her is a tactic to pressure her into making mistakes and potentially waiving her rights in the class action lawsuit and G.L. c. 93A claims in the Norfolk County Superior Court. This strategy aims to coerce the Defendant into unfavorable positions, undermining her legal standing and rights.

j. The Plaintiff has engaged in repeated threats of eviction against the Defendant, exacerbating the distress and pressure experienced by her and her family. These threats have been made in bad faith and with the intent to intimidate and coerce the Defendant.

6. Flagging and Threatening Residents

a. The Plaintiff and their representatives, including their attorneys, have been flagging residents and threatening them with negative credit reports to coerce them into not seeking help or filing Temporary Restraining Orders (TROs) in housing court. They have threatened to flag tenants in databases shared with other management companies, such as RealPage and others, which significantly impacts tenants' ability to secure housing elsewhere.

b. Numerous tenants, even those who have settled with the Plaintiff, are experiencing difficulties finding new housing despite having excellent credit due to being flagged between management companies. This practice is not only unethical but also severely restricts tenants' housing options, effectively blacklisting them within the industry.

c. Ted Papadopoulos and his law firm, Amps Law, are involved with many major companies in Massachusetts, including Avalon, Bozzuto, and others. This widespread influence makes it almost impossible for affected tenants to find similar residential buildings to live in, thereby coercing them into silence and compliance.

d. The Plaintiff's tactics of flagging tenants, coupled with threats of negative credit reporting, are designed to make tenants' lives unbearable, coercing them into silence and preventing them from sharing the truth about their living conditions and the Plaintiff's illegal actions. This includes how sick tenants are due to health issues from mold, and the illegal tactics of insults, threats, and retaliation employed by the Plaintiff and their representatives.

e. The Plaintiff is making tenants sign Non-Disclosure Agreements (NDAs) to break their leases or transfer units due to mold and leaks, waiving their rights in the class action lawsuit. They also require NDAs for lease renewals and new leases. Despite numerous requests to remove these NDAs, the Plaintiff has refused, further highlighting their coercive tactics.

f. The Defendant asserts that these actions by the Plaintiff are designed to suppress tenants' rights and voices, making them feel powerless against a large corporation with extensive contacts and influence. This situation is unjust and requires intervention to ensure that all tenants have the right to speak out and have their voices heard.

7. Failure to Provide Health Department Reports

- a. The Defendant has repeatedly requested copies of health department reports related to mold inspections conducted in her unit in 2023. Despite multiple requests via email to the director, Marli Casli and formal requests through the City of Quincy, these reports have not been provided. Inspectors Michael and Stephen have visited the unit multiple times, including visits before Christmas of 2023 , yet the reports from these visits remain unavailable.
- b. The absence of these reports has significantly hindered the Defendant's ability to address the mold issues adequately and has contributed to the ongoing health problems faced by her son, Kenzo.
- c. The health department's report beginning 2024 is false, as the Defendant provided a surface mold test result showing mold in the HVAC, which the health department failed to acknowledge accurately.

8. Living Conditions and Impact on Health

- a. The Defendant and her son spent the entire winter without heat due to mold in the HVAC system, causing them to endure freezing temperatures. The building management and the Plaintiff's attorneys were notified of the HVAC mold and Kenzo's health situation but failed to take appropriate action.
- b. The Defendant is now spending the summer without air conditioning, enduring extreme humidity and heat waves. Due to Kenzo's compromised immune system, opening windows for ventilation is not an option, as pollen and other allergens could further harm his health. This has created an unbearable living situation, with the Defendant unable to provide a safe and comfortable environment for her son.

9. Active Search for New Housing

- a. The Defendant has been actively looking for a new place to move, but has encountered significant challenges. Many new constructions in the Quincy area, such as The Abby, Ashlar Park, and the Hancock building, have similar issues with leaks and mold, often involving the same construction company or management by Bozzuto. This systemic problem has made it difficult to find a suitable and safe place to live.
- b. The lack of a mold law in Massachusetts has exacerbated the situation, allowing these issues to persist across multiple properties. The Defendant is working with State Representative Bruce Ayers and his aide, Galland, to pass a mold law in Massachusetts, which would help address these systemic issues and protect tenant rights.
- c. Moving would also significantly impact Kenzo's social life and education. As a homeschooled child, Kenzo's social interactions are primarily with friends in Marina Bay. Moving away would disrupt his social connections and daily routine, further affecting his well-being.
- d. The Defendant is actively searching for a secure and affordable apartment that meets their needs, but the high rents and prevalence of similar issues have made it challenging. The Defendant hopes to move out before Christmas but must ensure the new place is free of mold and other hazards.

10. Importance of Mold Legislation

a. The mold legislation that the Defendant is working on with State Representative Bruce Ayers and his aide Galland is not only crucial for addressing the issues in her building but also for tackling the widespread problems in new constructions throughout Quincy and Massachusetts. Many buildings are experiencing leaks, moisture, and potential mold growth, which pose significant health hazards to residents.

b. Mold exposure can lead to numerous health issues, including but not limited to:

- **Respiratory Problems:** Asthma, chronic bronchitis, and other respiratory conditions.
- **Allergic Reactions:** Skin rashes, itching, and swelling.
- Sinus Infections: Frequent headaches, facial pain, and difficulty breathing.
- **Neurological Issues:** Headaches, memory loss, and difficulty concentrating.
- Immune System Suppression: Increased susceptibility to infections and illnesses.
- **Toxic Effects:** Some molds produce mycotoxins that can lead to severe health problems, including long-term damage to organs and systems within the body.
- **Lung Cancer:** Prolonged exposure to certain types of mold can increase the risk of developing lung cancer and other serious respiratory conditions.

c. The proposed mold legislation aims to protect tenants' rights and health by enforcing stricter regulations on building maintenance, ensuring timely remediation of mold issues, and holding landlords accountable for providing safe living conditions.

d. Many tenants, including those in the Defendant's building, have suffered significant health impacts due to mold exposure. Some tenants are working with legal teams to build cases for injuries sustained from mold exposure, which have led to long-term and potentially permanent health issues.

e. The Defendant is committed to giving a voice to those affected by mold, advocating for legislative change to protect public health. Unlike other states such as New Jersey, New York, Maine, and New Hampshire, Massachusetts currently lacks comprehensive mold laws, leaving residents vulnerable. The health department's response to go "pass a mold law" highlights the urgent need for this legislation.

f. The Defendant is not only fighting for her family and neighbors but also for the broader community. Many people are afraid to speak out due to retaliation from landlords and management companies. This lawsuit and the mold legislation efforts aim to bring about significant change, ensuring that tenants are no longer silenced and that their health and safety are prioritized.

11. Legal Basis for Counterclaim

a. The Massachusetts General Laws, Chapter 186, Section 18, prohibits landlords from retaliating against tenants who engage in legally protected activities, such as filing a lawsuit for breaches of lease and violations of housing laws.

b. The Defendant's involvement in the class action lawsuit and the filing of claims under G.L. c. 93A are protected activities, and the eviction proceedings constitute unlawful retaliation under this statute.

12. Counterclaim Against Michael Lindsay and Leah Cataldo Mold affecting minor

a. The Defendant asserts counterclaims against Michael Lindsay and Leah Cataldo, employees of the building management, for their roles in denying the existence of mold in the apartment despite clear evidence. Michael denied the presence of mold via email, and Leah Cataldo denied the presence of mold via phone calls, which can be provided as evidence.

b. Michael's and Leah Cataldo's false assurances and failure to address the hazardous conditions contributed directly to the health issues suffered by Kenzo and the distress experienced by the Defendant and her family.

13. Counterclaim Against Delaney Barrett for Breach of Privacy (in motion to dismiss)

a. The Defendant asserts counterclaims against Delaney Barrett for breaching the privacy of her minor son, Kenzo, by publicly sharing the Defendant's lease in the class action lawsuit. This document included Kenzo's full name and address, including the unit number, exposing him to potential harm and unwarranted attention. This breach of privacy has caused significant emotional distress and anxiety for both Kenzo and the Defendant, knowing that their private information has been publicly disclosed.

b. The same attorneys are fighting to keep discovery private from tenants, public interest, and potential other buildings with hazards, yet they are publicly sharing private information about a minor. This contradiction underscores the Plaintiff's and their attorneys' unethical practices.

c. As attorneys, they should have known the importance of redacting the filings in a lawsuit. Redacting the name of a minor should have been done by these attorneys before filing it. They did this purposefully to publicly expose our names, to coerce, retaliate, and scare us. This action shows the nature of their tactics and the type of people they are.

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- **ATTORNEY SANGEETHA KALIDASS, ESQ**

e. The Defendant also asserts counterclaims against Delaney Barrett for her direct involvement in sharing Kenzo's information in the motion to dismiss.

f. These counterclaims include, but are not limited to, the following violations:

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- **Violation of Massachusetts General Laws on the Protection of Minors (M.G.L. c. 66A):** These laws safeguard the privacy and protection of minors, prohibiting the unauthorized dissemination of their personal information.

- **Violation of Federal Privacy Laws:** Including, but not limited to, the Children's Online Privacy Protection Act (COPPA), which restricts the collection and dissemination of personal information about minors without parental consent.

- **Neglect:** By failing to protect Kenzo's privacy, the Plaintiff and their attorneys neglected their duty of care towards a minor, causing significant emotional distress.
- **Intentional Infliction of Emotional Distress:** The Plaintiff's and their attorneys' actions were deliberate and intended to cause emotional distress to the Defendant and her son, Kenzo.
- **Violation of Massachusetts General Laws on Child Protection (M.G.L. c. 119, § 51A):** Mandates the protection of children from abuse and neglect, including the safeguarding of their personal information.
- **Potential Criminal Charges:** The unauthorized dissemination of Kenzo's personal information may constitute criminal conduct under Massachusetts and federal law, including **identity theft (M.G.L. c. 266, § 37E)**, and warranting further investigation and potential prosecution.

g. The Defendant requests that the housing court order the removal of Kenzo's personal information from the class action lawsuit documents in Superior Norfolk Court to protect his privacy and safety.

h. The Defendant requests that the court consider imposing fines on the involved attorneys and reporting them to the Board of Bar Overseers for their breach of privacy and unethical conduct. Some of these attorneys are not Massachusetts-based and practice in Delaware and Texas; therefore, the Board of Overseers in their respective states should be informed. These actions could potentially lead to disciplinary measures, including the suspension or revocation of their licenses to practice law.

i. The Defendant requests that the court consider referring the matter to the appropriate authorities for potential criminal charges related to the unauthorized dissemination of Kenzo's personal information.

14. Request for Privacy in the Eviction Case

a. The Defendant requests that given the public nature of these cases, the Defendant seeks to ensure that Kenzo's name and information are protected from public disclosure.

15. Illegal Phone Recordings in the Eviction Case

a. The Defendant requests that the court order the Plaintiff to produce any and all recordings of phone calls involving Leah Cataldo and Michael Lindsay, as these may include illegal recordings and further evidence of neglect and false representation regarding the mold issues for the eviction case.

16. Discovery Requests

a. The Defendant requests all discovery pertaining to her son Kenzo's case and her own case without having a conflict of interest in the class action lawsuit. This includes any and all documents, emails, and communications related to the health and safety issues in their unit.

b. The Defendant seeks assistance in obtaining discovery relevant to the eviction case without waiving her rights in the class action lawsuit.

17. Severe Mental and Physical Health Issues of Sandra Fernandez

I, Sandra Fernandez, have suffered severe mental and physical health issues as a result of the persistent mold and the hostile actions of the Plaintiff and building management. The ongoing neglect, denial, and failure to address the hazardous conditions in my apartment have caused significant stress and anxiety. I have been subjected to constant insults and threats, making me feel like I was losing my sanity. The Plaintiff and management repeatedly dismissed my concerns, gaslighting me into believing I was imagining the mold problem. They even took actions to erase mold evidence, making it extremely difficult for me to prove its existence. This relentless psychological warfare has led to severe mental distress, including panic attacks, overwhelming stress, and a sense of helplessness.

In addition to the mental health impact, I have experienced significant physical health issues, including chronic fatigue, frequent headaches, respiratory problems, and overall deterioration of my health. The combination of mental and physical strain has made daily life extremely challenging.

The building management, including Leah Cataldo, has treated me with blatant disrespect and hostility. They have ignored me while walking by, looked at me in demeaning ways, and made disparaging remarks. Leah Cataldo told me, "No one is going to help you, deal with it," and even stated in an email to refrain from contacting them. When we filed the class action lawsuit, I faced retaliation, further exacerbating my mental health struggles.

Furthermore, the Plaintiff and building management manipulated mold tests to produce negative results. They conducted air mold tests with professional HEPA filters running for the previous 48 hours, walls open, and windows open, which artificially reduced mold levels. This deceitful practice made it even more challenging to prove the presence of mold and the associated health risks.

Throughout this ordeal, I have dedicated myself to helping my neighbors and advocating for better living conditions. I have tirelessly contacted every available authority, including the health department, building inspectors, city councils, the mayor's office, and state representatives. I have been actively involved in efforts to pass a mold law in Massachusetts, trying to protect not just my family but all residents facing similar issues. This relentless fight has consumed my entire life, taking a significant toll on me both mentally and physically. My efforts to seek justice and improve living conditions for everyone have been met with resistance, further exacerbating my mental health struggles. The impact of these actions on my well-being cannot be overstated, as it has been a constant battle that has drained me emotionally and physically.

18. Claims for Relief

- a. The Defendant seeks dismissal of the eviction proceedings on the grounds of unlawful retaliation, coercion, and conflict of interest.
- b. The Defendant requests that the court recognize the retaliatory nature of the eviction and enjoin the Plaintiff from further retaliatory actions.
- c. The Defendant seeks damages for the emotional distress and inconvenience caused by the retaliatory eviction proceedings.
- d. The Defendant seeks damages for the health issues and medical expenses incurred due to the mold exposure that affected her minor son, Kenzo.

- e. The Defendant requests that the court consider the involvement of Michael Lindsay and Leah Cataldo and their roles in denying the mold issues as part of the broader neglect and mismanagement by the Plaintiff.
- f. The Defendant requests the court to order the production of any illegal and without consent phone recordings involving Leah Cataldo and Michael Lindsay as further evidence.
- g. The Defendant seeks the court's assistance in obtaining discovery relevant to the eviction case without waiving her rights in the class action lawsuit.
- h. The Defendant requests that the court recognize the failures of the health department in enforcing and filing violations related to mold and water intrusion issues, which have been used by the Plaintiff to avoid accountability.
- i. The Defendant seeks acknowledgment of the efforts to pass a mold law in Massachusetts and the broader impact on the community, advocating for changes to protect tenant rights and health.
- j. The Defendant asserts her right to not sign any Non-Disclosure Agreement (NDA) that would limit her ability to discuss the issues publicly and obtain necessary discovery.
- k. The Defendant requests a jury trial to address all the issues raised in this counterclaim.
- l. The Defendant requests the court to enjoin the Plaintiff from flagging residents and threatening them with bad credit reports and other forms of coercion.
- m. The Defendant seeks relief to ensure that all tenants have the right to speak out and have their voices heard without being coerced into silence by the Plaintiff's unlawful and unethical tactics.
- n. The Defendant requests that the court order the removal of Kenzo's personal information from the class action lawsuit documents and that in this eviction case kenzo all personal information fully redacted.

WHEREFORE, the Defendant, Sandra Fernandez, respectfully requests that this Honorable Court:

- 1. Dismiss the Plaintiff's Complaint for Eviction with prejudice.
- 2. Issue an order enjoining the Plaintiff from engaging in further retaliatory actions against the Defendant.
- 3. Award the Defendant damages for emotional distress and inconvenience.
- 4. Award the Defendant damages for the health issues and medical expenses incurred due to mold exposure affecting her minor son, Kenzo.
- 5. Consider the involvement of the health department and the false report in the context of this case.
- 6. Consider the roles of Michael Lindsay and Leah Cataldo in denying the mold issues and award appropriate damages for their actions.
- 7. Order the production of any illegal phone recordings involving Leah Cataldo and Michael Lindsay as further evidence.
- 8. Assist in obtaining discovery relevant to the eviction case without waiving the Defendant's rights in the class action lawsuit.
- 9. Recognize the failures of the health department in enforcing and filing violations related to mold and water intrusion issues.

10. Acknowledge the efforts to pass a mold law in Massachusetts and the broader impact on the community, advocating for changes to protect tenant rights and health.
11. Affirm the Defendant's right to not sign any NDA that would limit her ability to discuss the issues publicly and obtain necessary discovery.
12. Grant the Defendant a jury trial to address all the issues raised in this counterclaim.
13. Remove Kenzo Fernandez's personal information from the class action lawsuit documents in Superior Norfolk Court to protect his privacy and safety.
14. Impose fines and report the involved attorneys to the Board of Bar Overseers for their breach of privacy and unethical conduct, potentially leading to disciplinary measures, including the suspension or revocation of their licenses to practice law.
15. Enjoin the Plaintiff from flagging residents and threatening them with bad credit reports and other forms of coercion.
16. Keep the eviction court case minor personal information fully redacted.
17. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

18. Grant relief for Sandra Fernandez.

Sandra Fernandez
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Quincy, MA 02171