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COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

Essex, ss.

Civil Action No.: 2577CV01253

K. F., a minor, by his mother,
SANDRA FERNANDEZ DE VILLAVICENCIO,
and SANDRA FERNANDEZ DE VILLAVICENCIO,
individually
Plaintiffs,

v.

CUBE 3 STUDIO, LLC,
Defendant.

AFFIDAVIT OF SANDRA FERNANDEZ DE VILLAVICENCIO
IN SUPPORT OF MASS. R. CIV. P. 56(d)

I, Sandra Fernandez De Villavicencio, declare under the pains and penalties of
perjury:

1. I am a Plaintiff in this action and submit this affidavit pursuant to Mass. R. Civ.
P. 56(d) in opposition to Defendant's Motion for Summary Judgment.

2. I have personal knowledge of the facts stated herein and, if called as a
witness, could competently testify thereto.

3. No discovery has occurred in this matter. Plaintiffs have not taken
depositions, served interrogatories, served requests for production, or obtained project
records from Defendant or third parties.

4. Defendant's Motion relies upon a July 31, 2017 Certificate of Occupancy and 2018 Certificates of Substantial Completion to assert that its professional services concluded no later than April–May 2018 and that Plaintiffs' claims are barred under G.L. c. 260, § 2B.

5. After those dates, I personally observed substantial façade and building envelope construction activities at the subject property that were not limited to punch-list corrections, routine maintenance, or cosmetic repair.

6. Beginning after occupancy and continuing through at least 2019, 2020, and 2021, I observed, among other things:

- a. Installation of extensive scaffolding surrounding multiple elevations of the buildings;
- b. Removal of exterior cladding systems over significant portions of the façade;
- c. Removal and replacement of exterior sheathing assemblies;
- d. Installation of new air-water barrier systems and flashing components;
- e. Structural evaluation and testing of balcony components;
- f. Sustained, coordinated construction operations involving multiple contractors and professional personnel over extended periods.

7. The scale, duration, and system-wide nature of this work reflected façade reconstruction and exterior envelope replacement affecting integrated building systems, not isolated or incidental repair.

8. Property management communications during this period described the work as façade renewal and reconstruction.

9. The scope and coordination of the work I observed involved demolition, removal, and replacement of integrated exterior envelope components across multiple elevations of the building.

10. I reasonably believe that discovery will reveal documents and information directly bearing on Defendant's professional services during 2019–2021, including but not limited to:

- a. Post-2018 engagement agreements, amendments, or change orders;
- b. Communications between Defendant, ownership, contractors, and consultants;
- c. Revised drawings, ASIs, plans, or design submissions issued after 2018;
- d. Building permit applications and approvals relating to façade or envelope reconstruction;
- e. Construction administration records, field reports, and site visit documentation;
- f. Insurance notifications, claims materials, and related professional evaluations.

11. These materials are not presently available to Plaintiffs and are within the possession, custody, or control of Defendant or related entities.

12. Whether Defendant performed, supervised, reviewed, or participated in professional services after 2018 is directly material to determining when the statute of repose under G.L. c. 260, § 2B commenced.

13. Plaintiffs cannot, without discovery into Defendant's post-2018 professional involvement, present facts essential to justify their opposition to summary judgment.

14. This affidavit is submitted in good faith and not for purposes of delay.

I declare under the pains and penalties of perjury that the foregoing is true and correct.

K. F., a minor, by his mother,
SANDRA FERNANDEZ DE VILLAVICENCIO,
and SANDRA FERNANDEZ DE VILLAVICENCIO,
individually

Date: March 2nd, 2026

/s/ Sandra Fernandez De Villavicencio
Sandra Fernandez De Villavicencio (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 2nd, 2026 a copy of the foregoing was served electronically on all counsel of record.

Cube 3 Studio, LLC
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By: K. F., a minor, by his mother,
SANDRA FERNANDEZ DE VILLAVICENCIO,
and SANDRA FERNANDEZ DE VILLAVICENCIO,
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/s/ Sandra Fernandez De Villavicencio
Sandra Fernandez De Villavicencio (Pro Se)