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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.

**PLAINTIFFS' RESPONSE TO DEFENDANT CUBE 3 STUDIO LLC'S STATEMENT
OF UNDISPUTED MATERIAL FACTS**

(Mass. R. Civ. P. 56; Superior Court Rule 9A(b)(5))

Plaintiffs respond to Defendant's Statement of Undisputed Material Facts as follows.
Each response is made solely for purposes of the present Motion. Any statement not
expressly admitted is denied. Plaintiffs object to any purported "fact" that constitutes
argument, characterization, legal conclusion, or immaterial matter.

1. Undisputed that the Meriel Marina Bay development is located at 552 Victory
Road in Quincy, Massachusetts.

2. Undisputed that Defendant CUBE 3 Studio LLC served as architect of record for
the project.

3. Undisputed as to issuance and date only that a Certificate of Occupancy was issued on July 31, 2017.

Denied to the extent Defendant contends, expressly or implicitly, that issuance of a Certificate of Occupancy establishes completion of all professional services for purposes of G.L. c. 260, § 2B, or resolves disputed issues regarding subsequent professional involvement.

4. Undisputed as to execution and dates only that Certificates of Substantial Completion were executed in April–May 2018 as referenced.

Denied to the extent Defendant contends, expressly or implicitly, that such certificates conclusively establish, as a matter of fact or law, that Defendant's professional services ended in 2018, or that no subsequent professional involvement occurred.

5. Undisputed that the Complaint in this action was filed on November 10, 2025.

6. Undisputed that a civil action entitled *Marina Bay Residences LLC v. CUBE 3 Studio LLC, et al.*, Norfolk Superior Court No. 2182CV01044, was commenced in November 2021.

Objected to as immaterial to the limited issues presented by Defendant's Motion in this separate Essex County action. **Denied** to the extent Defendant suggests that the existence of that action resolves any factual or legal issue in this case.

7. Objected to as immaterial, argumentative, and characterizing to the extent it describes Plaintiffs as "nonparties" or attempts to imply improper conduct.

Undisputed only that filings were made in the Norfolk action as reflected in the docket cited by Defendant.

Denied to the extent Defendant implies that such filings establish any fact material to whether Defendant performed professional services after 2018 or to the application of G.L. c. 260, § 2B in this action.

8. Undisputed that a Joint Motion for Entry of Separate and Final Judgment and Approval of Settlement as Being in Good Faith was filed in the Norfolk action on October 3, 2025.

Objected to as immaterial to the issues presented in this Motion.

9. Undisputed that an order entered on November 20, 2025 in the Norfolk action allowed the referenced motion and dismissed claims against CUBE 3 in that action.

Denied to the extent Defendant contends, expressly or implicitly, that such order adjudicates, extinguishes, or precludes Plaintiffs' independent claims in this separate action, or resolves any disputed issue concerning the timing or extent of Defendant's professional services.

Respectfully submitted,

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

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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
Michael P. Schaefer, Esq.
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By: K. F., a minor, by his mother,
SANDRA FERNANDEZ DE VILLAVICENCIO,
and SANDRA FERNANDEZ DE VILLAVICENCIO,
individually

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