

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' COURT-ORDERED STATUS REPORT REGARDING HEARING
AVAILABILITY**

Plaintiffs submit this Status Report solely to comply with the Court's July 9, 2026 Memorandum and Order, Paper No. 17, and to advise the Court that, despite timely conferral, the parties were unable to agree upon a new hearing date.

The parties conferred regarding the hearing dates identified in Paper No. 17.

On July 13, 2026, Plaintiff Sandra Fernandez De Villavicencio responded in writing to Defendant's counsel, before the Court's July 16, 2026 reporting deadline.

Plaintiff advised that, because of her ongoing medical condition, she could not agree to the proposed August dates. She asked whether Defendant would assent to a joint request that the hearing be scheduled on or after September 25, 2026, subject to the Court's availability.

Defendant subsequently advised that it would not assent to a date beyond the August dates it had proposed. The parties therefore did not reach an agreement.

For completeness, Defendant's Exhibit A to its Report of Counsel Availability contains Plaintiff's July 13 written response and her proposed alternative scheduling period.

Plaintiff did not ignore the Court-ordered conferral process or refuse to communicate. Her medical condition, treatment, examinations, and related limitations affected her availability for unscheduled telephone calls. Nevertheless, she responded in writing, stated her position, and proposed an alternative scheduling period within the Court-ordered reporting period.

Plaintiff acknowledges that she did not identify an available hearing date on or before August 28, 2026. Her position is that she is not medically available to prepare for and participate meaningfully in the proposed August hearing dates.

Plaintiff has obtained supplemental documentation from her treating physician concerning her current condition and functional limitations. The documentation was issued in Spanish, and a certified English translation has been requested.

Upon receipt of the certified translation, Plaintiffs intend to submit the medical documentation through the appropriate impoundment procedure together with any separate request for scheduling relief. Plaintiffs understand that a continuance or modification of the Court's scheduling order requires Court approval and good cause. Mass. R. Civ. P. 40(b).

Plaintiffs do not abandon this action, waive oral argument, consent to adjudication of the pending dispositive motions without a hearing, or refuse to prosecute their claims.

Plaintiffs respectfully report that the parties complied with the direction to confer but reached an impasse concerning a mutually agreeable hearing date.

Respectfully submitted,

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

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Date: July 16, 2026

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

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2026 a copy of the foregoing was served electronically
on all counsel of record.

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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)