

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' REPLY IN SUPPORT OF MOTION TO COMPEL DISCOVERY AND
INSURANCE DISCLOSURE**

Plaintiffs respectfully submit this Reply in response to Defendant's Opposition and to inform the Court of material developments since service of the Motion to Compel. These developments have materially advanced discovery and established a cooperative framework between the parties.

**I. The Motion to Compel Promptly Initiated Discovery and Established an
Effective Cooperative Framework**

When Plaintiffs served the Motion to Compel, Defendant had asserted objections and conditioned production on entry of a protective order, substantive discovery had not yet begun, and meaningful coordination between the parties had been limited.

Following service of the Motion, Defendant produced insurance disclosure materials and served Answers and Objections to Plaintiffs' First Set of Interrogatories. Plaintiffs

promptly reviewed those materials and engaged with Defendant regarding confidentiality protections and discovery logistics.

Defendant requested entry of a protective order, and Plaintiffs immediately agreed to proceed under appropriate safeguards. Since that time, the parties have engaged in direct communication, including telephone conferences, and are now working cooperatively toward submission of a jointly proposed protective order.

These developments reflect substantial procedural progress. Plaintiffs respectfully submit that the Motion to Compel served its intended purpose of initiating discovery and facilitating constructive coordination between the parties. Plaintiffs appreciate Defendant's professional engagement in this process, which has established a reliable and cooperative framework for orderly discovery and efficient case progression.

II. The Parties Are Cooperatively Working Toward Submission of a Joint Protective Order and Orderly Discovery

Plaintiffs understand and respect Defendant's interest in protecting confidential business information and remain fully willing to proceed under appropriate confidentiality protections.

The parties are actively working toward submission of a jointly proposed protective order for the Court's consideration. Plaintiffs remain flexible regarding staged production and scheduling and are committed to resolving discovery matters cooperatively without unnecessary burden on the Court.

Plaintiffs anticipate that continued cooperation between the parties will allow discovery to proceed efficiently and minimize the need for further Court intervention.

III. Limited Interim Discovery Is Necessary to Ensure Fair Response to Defendant's Dispositive Motion

Defendant has served dispositive motions, including a motion for summary judgment, to which Plaintiffs' response is currently due on February 26, 2026.

Plaintiffs do not seek immediate full discovery and do not oppose allowing reasonable time to finalize a jointly proposed protective order.

However, limited interim production of core, non-privileged materials directly relevant to Defendant's dispositive motion is necessary to ensure that Plaintiffs may fairly evaluate and respond while the protective order process is completed.

Massachusetts Rule of Civil Procedure 56 authorizes the Court to allow appropriate discovery where essential facts necessary to oppose summary judgment may be unavailable to the nonmoving party. Limited interim discovery or temporary confidentiality protections would ensure procedural fairness while preserving Defendant's legitimate confidentiality interests.

Plaintiffs are fully willing to proceed under temporary confidentiality protections, impoundment, sealing, phased production, or other interim measures the Court deems appropriate and seek only reasonable procedural balance while the cooperative protective-order process is finalized.

IV. Limited Court Guidance Will Facilitate Orderly Completion of Discovery Without Prejudicing Any Party

Discovery is now underway, and the parties are actively working cooperatively toward submission of a jointly proposed protective order and staged discovery.

Plaintiffs do not seek expanded intervention but respectfully request limited procedural guidance sufficient to allow orderly completion of the protective-order process and limited interim discovery necessary for fair case progression.

Plaintiffs seek only reasonable and balanced procedural structure that will allow discovery to proceed efficiently, protect Defendant's confidentiality interests, and ensure that neither party is prejudiced during the ongoing cooperative process.

Plaintiffs respectfully submit that the cooperative framework now established will allow discovery and related matters to proceed efficiently going forward.

WHEREFORE, Plaintiffs respectfully request that the Court, in its discretion:

1. Allow Plaintiffs' Motion to Compel, as modified by the subsequent developments described herein;
2. Permit limited interim production of core, non-privileged materials directly relevant to Defendant's dispositive motion, within a reasonable timeframe, subject to temporary confidentiality protections if appropriate;
3. Establish a reasonable deadline for submission of a jointly proposed protective order and orderly staged discovery progression;
4. Alternatively, authorize temporary confidentiality protections, impoundment, sealing, phased production, or other interim measures sufficient to allow limited discovery while the parties finalize their jointly proposed protective order, without prejudicing any party;
5. Provide such procedural guidance as the Court deems appropriate to ensure fair, efficient, and cooperative completion of discovery; and
6. Grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

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

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Date: February 20, 2026

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

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2026 a copy of the foregoing was served electronically on all counsel of record.

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