

COMMONWEALTH OF MASSACHUSETTS**ESSEX, ss.****SUPERIOR COURT
CIVIL ACTION
No. 2577CV01253**

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

vs.

**CUBE 3 STUDIO, LLC,
defendant**

**MEMORANDUM AND ORDER ON PLAINTIFFS' EMERGENCY MOTION TO
CONTINUE JULY 9, 2026 HEARING (PAPER NO. 15)**

An in-person hearing is scheduled to take place today at 2 p.m. at the Essex County Superior Court in Salem, Civil A Session, on the defendant's motion for judgment on the pleadings. The notice to appear for said hearing was sent to the parties on April 21, 2026. At 4:26 p.m. on July 7, 2026, the plaintiffs filed an emergency motion to continue the hearing (Paper No. 15), seeking to continue the hearing for a date after October 1, 2026, because plaintiff Sandra Fernandez De Villavicencio (the "plaintiff") is "dealing with an ongoing medical condition and is currently outside Massachusetts while receiving medical follow-up evaluation, and care." The defendant objects to a continuance.

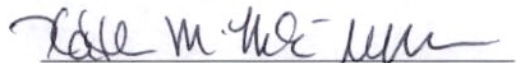
Submitted with the motion is a letter from a physician in Madrid, Spain, written in Spanish with an accompanying certified English translation. The letter is dated June 25, 2026.

The plaintiffs' delay in filing their emergency motion to continue until less than forty-eight hours before the hearing has caused a waste of judicial resources, as the undersigned judge had already spent substantial time preparing for the hearing, not to mention the resources of the

defendant. While the court recognizes that emergencies happen and cancellations on short notice due to medical issues are sometimes unavoidable, the letter from the plaintiff's medical provider is dated two weeks ago. The court is prepared to continue this afternoon's hearing, but will require that the hearing be rescheduled to a date prior to August 28, 2026, which represents the time period during which the undersigned judge remains assigned to the Civil A Session. The parties shall confer and report to the court by July 16, 2026, an agreed upon new date selected from the following dates: August 4, 6, 11, 12, or 20, at 2:00 p.m. To ease any burden on the plaintiff, the court is willing to hold the hearing via video conference rather than in person.

ORDER

For the reasons stated above, the Plaintiffs' Emergency Motion to Continue July 9, 2026 Hearing (Paper No. 15) is **ALLOWED**. The hearing shall be rescheduled to a date prior to August 28, 2026. The parties shall confer and report to the court by July 16, 2026, an agreed upon new date selected from the following dates: August 4, 6, 11, 12, or 20, at 2:00 p.m. The hearing may be held via video conference rather than in person at the election of the parties.


Kathleen M. McCarthy-Neyman
Justice of the Superior Court

DATE: July 9, 2026