

12.6

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' STATEMENT OF MATERIAL FACTS
IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Mass. R. Civ. P. 56 and Superior Court Rule 9A(b)(5), Plaintiffs submit the following additional material facts, supported by the Affidavit of Sandra Fernandez De Villavicencio:

1. Plaintiffs resided at the subject property beginning in 2018 and remained residents during the period described below.

(Fernandez Aff. ¶¶ 2, 5)

2. After issuance of the July 31, 2017 Certificate of Occupancy and the 2018 Certificates of Substantial Completion, exterior construction activity continued at the property beyond 2018.

(Fernandez Aff. ¶ 5)

3. Beginning in 2019 and continuing through at least 2020 and 2021, extensive scaffolding was installed along multiple elevations of the building.

(Fernandez Aff. ¶ 6(a))

4. During that period, significant portions of exterior cladding were removed from the façade.

(Fernandez Aff. ¶ 6(b))

5. Exterior sheathing assemblies were removed and replaced in multiple areas of the building during 2019–2021.

(Fernandez Aff. ¶ 6(c))

6. New air-water barrier systems and flashing components were installed during the façade work occurring in 2019–2021.

(Fernandez Aff. ¶ 6(d))

7. Structural balcony components were evaluated and tested during the same reconstruction period.

(Fernandez Aff. ¶ 6(e))

8. The façade work extended over prolonged periods during 2019–2021 and involved coordinated activity by multiple contractors and professional personnel.

(Fernandez Aff. ¶ 6(f))

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

(Fernandez Aff. ¶ 8)

10. No discovery has occurred regarding Defendant's involvement, if any, in the façade reconstruction occurring between 2019 and 2021.

(Fernandez Aff. ¶ 3)

11. Plaintiffs have not obtained engagement agreements, change orders, revised drawings, construction administration records, or permit submissions relating to the façade reconstruction occurring between 2019 and 2021.

(Fernandez Aff. ¶¶ 3, 10–11)

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 02, 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)