

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPERIOR COURT
DOCKET # 2577CV01253

K. F., a minor, by his mother,	)
SANDRA FERNANDEZ DE VILLAVICENCIO,	)
and SANDRA FERNANDEZ DE VILLAVICENCIO,	)
individually	)
	)
<i>Plaintiffs,</i>	)
	)
v.	)
	)
CUBE 3 STUDIO LLC,	)
	)
<i>Defendant</i>	)

**DEFENDANT CUBE 3 STUDIO LLC'S OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Mass. R. Civ. P. 34 and Superior Court Rule 30A, Defendant, Cube 3 Studio, LLC ("Cube 3"), hereby serves its objections and responses to the First Request for Production of Documents set forth by the plaintiffs, K.F. and Sandra Fernandez De Villavicencio ("Plaintiffs"), which were served upon Cube 3 on or about December 23, 2025.

GENERAL OBJECTIONS

Cube 3's responses are subject to, qualified by, and limited by the following general statements and objections, which apply to each specific Request as if fully incorporated and set forth therein. The assertion of the same or additional objections in any particular response to Requests does not waive any general statements or objections set forth below.

1. Cube 3 generally objects to the Requests to the extent they seek or purport to require Cube 3 to identify, disclose, or produce any documents or information containing or comprising information protected under the attorney-client privilege and/or the attorney work product

doctrine, or any other applicable doctrine, privilege or immunity, including, without limitation, the consulting expert privileges, such that it would make the information immune or exempt from discovery, or under any claim of confidentiality, including information that constitutes proprietary business information. The inadvertent disclosure of any privileged information shall not signify any intent by Cube 3 to waive such privilege.

2. These responses are made solely for the purpose of discovery in this action. Nothing herein is intended to waive the following objections, which are expressly reserved, including but not limited to the following objections: all objections as to competence, relevance, authenticity, propriety, materiality and admissibility of the subject matter of the discovery requests; all objections as to vagueness, ambiguity, or undue burden; all objections on any ground as to the use of any information provided in response to the Requests; all objections on any ground to any request for further responses to these or other discovery requests; and any and all other objections and grounds that would or could require or permit the exclusion of any information, document or statement therein from evidence, all of which objections and grounds are reserved and may be interposed at a hearing in this action or at the time of trial.

3. Cube 3 generally objects to the Requests that are overbroad, unduly burdensome, and oppressive to the extent that they fail to specify any relevant time period, and thus are neither limited to events relevant in this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

4. Disclosure of any information subject to such privilege or exemption from discovery is inadvertent and shall not constitute or be deemed to constitute a waiver of such privilege or exemption from discovery, and therefore Cube 3 reserves all rights to which it is entitled pursuant to Mass. R. Civ. P. 26(b)(5)(B), and/or applicable case law.

5. Cube 3 generally objects to Plaintiff's request for production of documents already in Plaintiffs' possession or within the Plaintiff's ability to readily obtain, including, without limitation, 1) documents that are publicly available in *Marina Bay Residences, LLC v. Cube 3 Studio LLC et al*, 2182CV01044, the pending Norfolk Superior Court matter where the Meriel Marina Bay Project's (the "Project") owner, general contractor and, until the recent settlement, Cube 3 the architect, litigated disputes over alleged construction and design defects; and 2) documents that are either publicly available or available to Plaintiffs through participation in the class action in Norfolk Superior Court, *Materna v. Marina Bay Residence, LLC, et al*, 2382CV00389, where tenants of Meriel Marina Bay sued the owner and developer regarding many of the same defects, violations and damages alleged in the instant case.

6. Cube 3 generally objects to Plaintiff's requests which seek documentation that has no bearing on the subject matter involved in this action or is not otherwise reasonably calculated to lead to the discovery of admissible evidence.

7. Cube 3 generally objects to requests that seek discovery of electronically stored information from sources that Cube 3 identifies as not reasonably accessible because of undue burden and cost.

8. Cube 3 generally objects to production of documents which may be confidential, proprietary or otherwise sensitive to the plaintiffs without a reasonable stipulated or judicially imposed protective order being in place, given the concerns that 1) the plaintiffs may share the documents produced with non-parties for unknown, unnecessary or illegitimate purposes, and 2) the identification and production documents by Cube 3, which will require significant cost and effort, will be futile or wasteful, as the plaintiffs will make no more use of any voluminous

production of documents by Cube 3 than they have of the extensive documentation already available in the two Norfolk Superior Court cases cited above.

9. Cube 3 generally objects to requests which erroneously assume that Cube 3 is in possession of certain documents and command production thereof.

10. Each of these General Objections shall be deemed incorporated by reference in Cube 3's responses to each of the specific document requests, as if set forth fully herein. These responses are made without prejudice to Cube 3's right to amend or supplement these responses pursuant to Mass. R. Civ. P. 26 or to introduce at the trial of this case additional evidence from any source.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

REQUEST NO. 1

All contracts, agreements, and amendments relating to Cube 3's architectural or design services for the Project.

OBJECTION:

Cube 3 objects to this Request on the grounds that it is vague, overbroad and unduly burdensome. Without limitation as to time, this request seeks "all contracts, agreements, and amendments" without reasonable particularity. Further, the complaint in the instant action holds no allegations of breach of contract or any violation or doctrine which sounds in contract. Therefore, this request exclusively or very nearly exclusively seeks documents which are not reasonably calculated to reach documents would lead to discovery of admissible evidence.

RESPONSE NO. 1:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors' requests for information and Cube 3's responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 2

All Design Documents prepared, reviewed, or approved by Cube 3 for the Project.

OBJECTION:

Cube 3 objects to this Request on the grounds that it is vague, overbroad and unduly burdensome. The request is not limited in scope by time or subject matter. It seeks “all Design Documents” without reasonable particularity as to the specific documents or categories of documents sought. The terms “prepared, reviewed, or approved,” are vague and ambiguous as they could encompass an extremely wide range of materials, far beyond what is reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE NO. 2:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors’ requests for information and Cube 3’s responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 3

All revisions, addenda, or modifications to Design Documents relating to waterproofing, ventilation, moisture control, or building envelope systems.

OBJECTION:

Cube 3 objects to this request on the grounds that it is vague, overbroad and unduly burdensome. The terms “revisions,” “addenda,” “modifications,” “waterproofing,” “ventilation,” “moisture control,” and “building envelope systems” are not defined and are each subject to numerous interpretations. Additionally, the request is not limited in scope by time, project, or subject matter, and seeks “all” documents without reasonable particularity. Though the request provides a definition for “Design Documents,” the definition holds such vague and ambiguous terms as, without limitation, “plans,” “details,” “revisions,” “addenda,” and “related materials.” This request necessarily attempts to reach far beyond what is reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE NO. 3:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors’ requests for information and Cube 3’s responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if

any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 4

All reports, evaluations, testing results, or assessments concerning water intrusion, moisture, mold, or ventilation at the Premises.

OBJECTION:

Cube 3 objects to this Request on the grounds that it is vague, overbroad and unduly burdensome. It is not limited in scope by time or specific subject matter, and the terms “reports,” “assessments,” “water intrusion,” “moisture,” “mold” and “ventilation” are capable of numerous different interpretations and necessarily request far beyond Cube 3’s involvement with Meriel Marina Bay and what is reasonably calculated to lead to the discovery of admissible evidence. Cube 3 objects to this request to the extent it seeks privileged and protected documents, including those protected by attorney work product, attorney client privilege, and Rules 26(b)(3) and (4).

RESPONSE NO. 4:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors’ requests for information and Cube 3’s responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 5

All communications between Cube 3 and the property owner, developer, or property manager concerning defects, habitability issues, or occupant safety.

OBJECTION:

Cube 3 objects to this Request on the grounds that it is vague, overbroad and unduly burdensome. The request is not limited in scope by time or subject matter, as it seeks “all communications” without reasonable particularity as to the specific defects, habitability issues, or occupant safety concerns at issue in this litigation. The terms “defects,” “habitability issues,” and “occupant safety” are vague and ambiguous as used in this request and are not defined. Thus, this request seeks to reach far beyond Cube 3’s involvement with Meriel Marina Bay and what is reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE NO. 5:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors' requests for information and Cube 3's responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 6

All internal Cube 3 communications concerning the Project, including emails, memoranda, and meeting notes relating to design decisions or defect remediation.

OBJECTION:

Cube 3 objects to this request on the grounds that it is vague, overbroad and unduly burdensome. This request is not limited in scope by time or subject matter, as it seeks "all internal Cube 3 communications concerning the Project," including but not limited to emails, memoranda, and meeting notes, without reasonable particularity as to the documents sought. The request seeks documents relating to "design decisions" and "defect remediation" in the entire Meriel Marina Bay project without restricting them to reasonably defined specific issues relating to the instant case. Thus, this request seeks to reach far beyond what is reasonably calculated to lead to the discovery of admissible evidence. Cube 3 objects to this request to the extent it seeks privileged and protected documents, including those protected by attorney work product, attorney client privilege, and Rules 26(b)(3) and (4). Cube 3 objects to the terms "design decisions" and "defect remediation" as vague and ambiguous, requiring Cube 3 to guess and speculate as to the specific documents being requested.

RESPONSE NO. 6:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors' requests for information and Cube 3's responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 7

All documents relating to site visits, inspections, mock-ups, demolition, reconstruction, or remedial work performed in connection with the Project.

OBJECTION:

Cube 3 objects to this request on the grounds that it is vague, overbroad and unduly burdensome. The request fails to describe the documents sought with reasonable

particularity, as it seeks “all documents relating to site visits, inspections, mock-ups, demolition, reconstruction, or remedial work” without limitation as to time, subject matter, or specific activity. The terms “site visits,” “inspections,” “mock-ups,” “demolition,” “reconstruction,” and “remedial work” are vague and ambiguous, capable of numerous meanings, rendering the scope of the request unclear. Thus, this request seeks to reach far beyond the subject matter of the instant case and what is reasonably calculated to lead to the discovery of admissible evidence. Cube 3 objects to this request to the extent it seeks privileged and protected documents, including those protected by attorney work product, attorney client privilege, and Rules 26(b)(3) and (4).

RESPONSE NO. 7:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors’ requests for information and Cube 3’s responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 8

All documents reflecting complaints or reports from occupants regarding conditions at the Premises.

OBJECTION:

Cube 3 objects to this Request on the grounds it is vague, overly broad, unfairly prejudicial, and unduly burdensome. This request assumes the Cube 3, the architect, necessarily has certain materials from occupants. Being former occupants of Meriel Marina Bay, the plaintiffs can be reasonably be expected have access to any complaints or reports they themselves generated, making this request duplicative regarding those documents. The current action concerns only the current plaintiffs and only one unit at Meriel Marina Bay, for the duration of their occupancy. “All documents,” as described in this request, from all occupants, without limitation in time, specific location or subject matter, especially taken together with the vague and ambiguous term “regarding conditions at the Premises,” seeks to reach far beyond Cube 3’s involvement with Meriel Marina Bay and what is reasonably calculated to lead to the discovery of admissible evidence. Cube 3 objects to this request to the extent it seeks privileged and protected documents, including those protected by attorney work product, attorney client privilege, and Rules 26(b)(3) and (4). Cube 3 objects to the terms “complaints” and “reports” as vague and ambiguous, requiring Cube 3 to guess and speculate as to the specific documents being sought.

RESPONSE NO. 8:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications;

(b) contractors' requests for information and Cube 3's responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 9

All policies, guidelines, or procedures in effect at the time of the Project concerning quality control, code compliance, or occupant safety.

OBJECTION:

Cube 3 objects to this Request on the grounds it is vague, overly broad, and unduly burdensome. Cube 3 This request is overly broad and not limited in scope by time or subject matter because it seeks "all policies, guidelines, or procedures" without reasonable particularity as to the specific documents or the relevant time frame. The terms "quality control," "code compliance," and "occupant safety" are vague and ambiguous as used in this request and are not defined. This request seeks to reach far beyond the scope of the instant case, Cube 3's involvement with Meriel Marina Bay and what is reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE NO. 9:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors' requests for information and Cube 3's responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 10

All documents relating to communications with insurers concerning claims, incidents, or conditions alleged in the Complaint.

OBJECTION:

Cube 3 objects to this Request on the grounds it is vague, overly broad, and unduly burdensome. The request seeks "all documents relating to communications with insurers concerning claims, incidents, or conditions alleged in the Complaint" without specifying particular claims, incidents, or conditions, or a relevant time frame and without limitation in time or subject matter. This request seeks to reach far beyond the scope of the instant case, Cube 3's involvement with Meriel Marina Bay and what is reasonably calculated to lead to the discovery of admissible evidence. Cube 3 objects to this request to the extent it seeks privileged and protected documents, including those protected by attorney work product, attorney client privilege, and Rules 26(b)(3) and (4). Cube 3 objects to the terms

“claims,” “incidents,” and “conditions” as vague and ambiguous, requiring Cube 3 to guess and speculate as to the specific documents being requested.

RESPONSE NO. 10:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors’ requests for information and Cube 3’s responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 11

All documents Cube 3 relies upon in support of the affirmative defenses asserted in its Answer.

OBJECTION:

Cube 3 objects to this Request on the grounds it is vague, overly broad, and unduly burdensome. “Relied upon” has not been defined and is therefore capable of numerous interpretations. Regardless of which definition applies, the request assumes that Cube 3 necessarily relied upon any documents in its affirmative defenses and, if any documents were indeed relied upon, by any definition, in writing affirmative defenses, that such documents would be within the scope of what is reasonably calculated to lead to the discovery of admissible evidence. The complaint was only recently filed in November 2025. Thus, Cube 3’s development of defenses is an evolving process and, further, may involve attorney’s mental impressions, attorney-client communication and items protected by the work product doctrine, all of which are privileged.

RESPONSE NO. 11:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including: (a) architectural design drawings and specifications; (b) contractors’ requests for information and Cube 3’s responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST NO. 12

All photographs, videos, or visual records depicting conditions at the Premises relevant to the allegations in the Complaint.

OBJECTION:

Cube 3 objects to this Request on the grounds it is vague, overly broad, and unduly burdensome. This request is overly broad and not limited in scope by time or subject matter because it seeks “all photographs, videos, or visual records depicting conditions at the Premises relevant to the allegations in the Complaint” without specifying which conditions, time periods, or particular allegations are at issue. The request is also vague as to what constitutes “relevant” conditions, and the term “Premises” is not defined with reasonable particularity. Thus, this request seeks to reach far beyond the scope of the instant case, Cube 3’s involvement with Meriel Marina Bay and what is reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE NO. 12:

Subject to, and without waiving, the foregoing objections, Cube 3 will identify and produce any responsive documents, including, to the extent that any item in this Response No. 12 may include photos, videos or visual records: (a) architectural design drawings and specifications; (b) contractors’ requests for information and Cube 3’s responses; and (c) communications concerning design, construction, observations, and related materials. Such documents, if any, will be produced after entry of, and in accordance with, a mutually agreed or judicially imposed Protective Order.

REQUEST IN DECEMBER 23, 2025 EMAIL

Note: The body of an email sent by the Plaintiffs on December 23, 2025 contains a further request for production of documents, stating:

Pursuant to Mass. R. Civ. P. 26(b)(2), Plaintiff hereby requests disclosure of any and all insurance agreements under which an insurer may be liable to satisfy part or all of a judgment entered in this action, or to indemnify or reimburse for payments made to satisfy such a judgment.

Please provide, for each applicable policy:

1. The name of the insurer;
2. Policy number(s);
3. Policy period(s);
4. Coverage limits, including any applicable aggregate limits;
5. Any endorsements or exclusions relevant to the claims asserted; and
6. Copies of any reservation-of-rights or denial letters relating to this matter.

This request includes, but is not limited to, commercial general liability, professional liability, errors and omissions, umbrella, excess, or any other policies that may provide coverage.

See EXHIBIT A.

OBJECTION:

Cube 3 objects to this request to the extent it seeks discovery beyond that permitted by Rule 26(b)(2). Cube 3 objections to this request to the extent it seeks documents that are outside the scope of discovery, including, without limitation, insurance premiums paid for coverage, and, as such, any documents produced in response to this request will have insurance premiums redacted.

RESPONSE TO REQUEST IN DECEMBER 23, 2025 EMAIL:

Subject to, and without waiving, the foregoing objections, a) Cube 3 chooses to disclose certain points of insurance information, which will be served upon the Plaintiffs in expeditious manner; b) Cube 3 will identify and produce any responsive insurance information related to the Project that is in its possession.

Cube 3 Studio, LLC,
By its attorneys,

/s/ Michael Schaefer, Esq.
Michael Schaefer (BBO No.: 711910)
mschaefer@mgmlaw.com
MG+M The Law Firm
125 High Street, Oliver Street Tower, 6th Floor
Boston, MA 02110
(617) 406-4500

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2026, I served a true and accurate copy of the foregoing document upon the named plaintiffs via email and first-class mail as follows:

Sandra Fernandez De Villavicencio, *Individually*
K. F., c/o Sandra Fernandez De Villavicencio
550 Liberty Street, Unit 905
Braintree, MA 02184
sandreval4@yahoo.com

/s/ Michael Schaefer
Michael Schaefer

Re: K.F. and S.F. v. Cube 3, 2577CV01253 -Cube 3's Objections and Responses to Plaintiff's First RFPs

Dear Yue,

I have received Cube 3's Objections and Responses dated January 22, 2026.

I do not agree that discovery may be conditioned on entry of a blanket protective order. No protective order is currently in place.

Cube 3 should proceed promptly with production of all non-confidential responsive documents. If Cube 3 contends that any specific categories of documents warrant confidentiality protection, please identify those categories with particularity and state the basis for protection so the parties can address any narrow, targeted issues in good faith.

Please confirm when substantive production will begin and provide a production schedule.

Thank you,

Sandra E.