

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' EMERGENCY MOTION TO IMPOUND PROPOSED MEDICAL
EXHIBITS AND FOR LIMITED-USE PROTECTION RE: PLAINTIFFS' EMERGENCY
MOTION TO CONTINUE JULY 9, 2026 HEARINGS AND MEMORANDUM IN
SUPPORT**

Pursuant to Trial Court Rule VIII, Uniform Rules on Impoundment Procedure, Superior Court Rule 18, and the Court's authority to control the use of materials submitted for a limited scheduling purpose, Plaintiffs Kenzo Fernandez, a minor, by his mother and natural guardian Sandra Fernandez De Villavicencio, and Sandra Fernandez De Villavicencio, individually, respectfully move on an emergency basis to impound limited proposed medical exhibits that Plaintiffs seek to submit in support of Plaintiffs' Emergency Motion to Continue the July 9, 2026 hearings and for limited-use protection concerning those materials.

This motion is submitted together with Plaintiffs' Emergency Motion to Continue the hearings scheduled for July 9, 2026 at 2:00 p.m. Because the hearings are imminent

and the proposed medical exhibits are offered only to support emergency scheduling relief, Plaintiffs respectfully request emergency consideration of this Motion to Impound.

This motion is supported by the accompanying Affidavit of Sandra Fernandez De Villavicencio in Support of Plaintiffs' Emergency Motion to Impound Proposed Medical Exhibits and for Limited-Use Protection.

For purposes of this Motion to Impound, Plaintiffs identify the proposed medical exhibits as follows:

Proposed Exhibit A — Official medical certificate dated June 25, 2026;

Proposed Exhibit B — Certified English translation of the official medical certificate;
and

Proposed Exhibit C — Translator certification for the certified English translation.

Plaintiffs are not seeking to impound the entire case, the civil docket, the parties' names, the Emergency Motion to Continue, or any other filing in this action.

To the extent the Court determines that a hearing is required before entry of a final order of impoundment, Plaintiffs respectfully request that Proposed Exhibits A, B, and C remain impounded and unavailable for public inspection pending hearing and further order of the Court.

Plaintiffs further request that, to the extent the Court needs to review the private medical contents of Proposed Exhibits A, B, or C, the Court review those materials in camera and under impoundment as necessary to decide Plaintiffs' Emergency Motion to Continue and this Emergency Motion to Impound. Plaintiffs do not request ex parte merits consideration; this request is made only to prevent public disclosure of private medical information submitted for a limited scheduling purpose.

MEMORANDUM IN SUPPORT

I. Legal Standard

Superior Court Rule 18 provides that impoundment in the Superior Court is governed by Trial Court Rule VIII, the Uniform Rules on Impoundment Procedure.

Under the Uniform Rules on Impoundment Procedure, a request for impoundment must be made by written motion stating the grounds and reasons for impoundment, specifically describing the material to be impounded, explaining why alternatives to impoundment are inadequate, and identifying the requested duration of impoundment.

An order of impoundment may enter only for good cause and must be narrowly tailored so that the scope of impoundment does not exceed the need for impoundment.

II. Good Cause Exists to Impound Proposed Exhibits A, B, and C

Good cause exists to impound Proposed Exhibits A, B, and C because they contain, translate, certify, or directly authenticate private medical information concerning Plaintiff Sandra Fernandez De Villavicencio's current medical condition, medical care, medical follow-up, and medical limitations.

Proposed Exhibit A is the official medical certificate. Proposed Exhibit B is the certified English translation of that medical certificate. Proposed Exhibit C is the translator certification for Proposed Exhibit B. The proposed exhibits are offered solely to allow the Court to evaluate the factual basis for Plaintiffs' Emergency Motion to Continue the July 9, 2026 hearings.

The July 9 hearings concern Defendant CUBE 3 Studio, LLC's pending dispositive motions. Sandra Fernandez De Villavicencio's current medical limitation directly affects her ability to prepare for and meaningfully participate in those hearings.

The public does not require access to Plaintiff's private medical certificate, certified translation, or translator certification to understand the scheduling issue before the Court. The public-facing Emergency Motion to Continue describes the general basis for the continuance request without publicly disclosing the medical certificate, certified translation, or translator certification.

III. The Requested Impoundment Is Narrowly Tailored

The requested impoundment is narrowly tailored. Plaintiffs seek to impound only three proposed exhibits: the official medical certificate, the certified English translation, and the translator certification.

Plaintiffs do not seek to impound the entire case, the docket, the caption, the parties' names, the Emergency Motion to Continue, or the public memorandum explaining the requested continuance. The Court and Defendant's counsel will still be able to understand the nature of the request and the relief sought.

Redaction is not an adequate alternative because the medical information is the reason the certificate and translation are being offered. Redacting the medical content would prevent the Court from reviewing the factual basis for the requested continuance.

In camera review is an appropriate implementation method because it permits the Court to review the medical documentation without placing the private medical contents on the public docket. To the extent any hearing on impoundment is required, only the portion of the hearing that would disclose the private medical contents should be conducted in camera or otherwise protected from public disclosure.

Impoundment of Proposed Exhibits A, B, and C permits the Court to review the medical basis for the emergency continuance request while protecting private medical information from public disclosure.

IV. Limited Purpose of Submission, No Waiver, and Requested Limited-Use Protection

Proposed Exhibits A, B, and C are offered for the limited purpose of supporting Plaintiffs' Emergency Motion to Continue the July 9, 2026 hearings and this Motion to Impound.

Plaintiffs do not offer Proposed Exhibits A, B, or C as discovery responses, expert materials, admissions, impeachment material, or evidence on the merits of Plaintiffs' claims, Defendant's defenses, causation, damages, or any medical issue other than the scheduling issue now before the Court.

Plaintiffs do not intend, by offering these proposed exhibits for emergency scheduling relief, to waive any privacy right, confidentiality protection, privilege, objection, or other protection concerning medical information.

Plaintiffs respectfully request that the Court order that Proposed Exhibits A, B, and C, and the medical information contained in or reflected by them, may be used only for the Court's consideration of Plaintiffs' Emergency Motion to Continue, this Motion to Impound, any related order, and any related appellate review, unless otherwise ordered by the Court after notice and an opportunity to be heard.

Plaintiffs further request that submission or consideration of Proposed Exhibits A, B, and C for this emergency scheduling request not be deemed a waiver, admission, merits disclosure, discovery response, or authorization for use of those materials beyond the continuance and impoundment issues.

Nothing in the requested order is intended to prevent any party from seeking medical information through proper discovery procedures, subject to any applicable objections, privileges, privacy protections, protective orders, or further order of the Court.

V. Requested Duration

Plaintiffs respectfully request that Proposed Exhibits A, B, and C remain impounded until final disposition of this action, including any appellate review, unless modified earlier by further order of the Court.

To the extent the Court requires a date certain for expiration, Plaintiffs request that Proposed Exhibits A, B, and C remain impounded until December 31, 2031, unless modified earlier by further order of the Court.

Plaintiffs request this duration because the proposed exhibits contain private medical information offered only for emergency scheduling relief, the case remains pending, and the discovery deadline is currently set for November 1, 2027. If this action remains pending beyond the date set by the Court, Plaintiffs reserve the right to seek an extension or renewed impoundment order.

Plaintiffs further request that the limited-use protections described above remain in effect unless modified by further order of the Court.

VI. Rule 9A(d) Emergency Certification

Plaintiffs certify that because the hearings are scheduled for July 9, 2026 at 2:00 p.m., there is insufficient time to proceed through the ordinary Rule 9A process.

On July 7, 2026, Plaintiffs conferred by electronic mail with counsel for Defendant CUBE 3 Studio, LLC regarding Plaintiffs' emergency request to continue the July 9,

2026 hearings. Defendant's counsel responded that Defendant does not assent to any continuance or other delay in the case.

Due to the emergency filing timeline required to present the proposed medical exhibits to the Court before the July 9 hearings, Plaintiffs have not obtained Defendant's assent to this Motion to Impound and do not represent this motion as assented or unopposed.

Plaintiffs are serving this Emergency Motion to Impound forthwith by electronic mail upon Defendant's counsel.

REQUESTED RELIEF

For the reasons stated above, Plaintiffs respectfully request that the Court:

1. ALLOW this Emergency Motion to Impound Proposed Medical Exhibits and for Limited-Use Protection;
2. IMPOUND the proposed medical exhibits identified as Proposed Exhibit A, Proposed Exhibit B, and Proposed Exhibit C, which Plaintiffs seek to submit in support of Plaintiffs' Emergency Motion to Continue the July 9, 2026 hearings;
3. ORDER that Proposed Exhibits A, B, and C not be available for public inspection;
4. PERMIT the Court to consider Proposed Exhibits A, B, and C for the limited purpose of deciding Plaintiffs' Emergency Motion to Continue, this Motion to Impound, any related order, and any related appellate review;
5. ORDER that the Court may review Proposed Exhibits A, B, and C in camera and under impoundment as necessary to decide Plaintiffs' Emergency Motion to Continue and this Emergency Motion to Impound, and that any portion of any hearing that would

disclose the private medical contents of Proposed Exhibits A, B, or C be conducted in camera or otherwise protected from public disclosure;

6. ORDER that Proposed Exhibits A, B, and C are submitted only for the limited purpose of supporting Plaintiffs' Emergency Motion to Continue, this Motion to Impound, any related order, and any related appellate review;

7. ORDER that submission or consideration of Proposed Exhibits A, B, and C for emergency scheduling relief shall not constitute a waiver, admission, merits disclosure, discovery response, expert disclosure, impeachment material, or evidence on the merits of Plaintiffs' claims, Defendant's defenses, causation, damages, or any medical issue other than the scheduling issue before the Court;

8. ORDER that no party may publicly file, quote, summarize, characterize, or reference the private medical contents of Proposed Exhibits A, B, or C without redaction, impoundment, or further order of the Court;

9. ORDER that nothing in the requested order prevents any party from seeking medical information through proper discovery procedures, subject to any applicable objections, privileges, privacy protections, protective orders, or further order of the Court;

10. ORDER, to the extent a hearing is required before final impoundment is allowed, that Proposed Exhibits A, B, and C remain impounded and unavailable for public inspection pending hearing and further order of the Court; and

11. grant such further relief as is just and proper.

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 7th, 2026

/s/ Sandra Fernandez De Villavicencio

Sandra Fernandez De Villavicencio (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 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,
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/s/ Sandra Fernandez De Villavicencio
Sandra Fernandez De Villavicencio (Pro Se)