

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

HOUSING COURT DEPARTMENT
WESTERN DIVISION
DOCKET NO: 21 SP 0632

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|-----------------------------|---|
| STEPHEN BOSCO, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| KIMBERLY HENDERSON, EDUARDO |) |
| REYES AND DESTINY MELENDEZ |) |
| |) |
| Defendant. |) |
| |) |

KIMBERLY HENDERSON’S REQUEST FOR ADMISSIONS

This Request for Admissions is submitted for you to answer pursuant to Rule 7 of the Uniform Summary Process Rules. Your responses to these Requests for Admissions must be filed with the Clerk of Court and served on the Tenants’ attorney no later than ten (10) days after receipt.

The Tenant requests that the Landlord, within ten (10) days after service of this request, make the admissions which follow numerically below for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at trial.

In responding to said requests for admissions the Landlord is advised that Rule 36 of the Massachusetts Rules of Civil Procedure requires that "a denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable to him is insufficient to enable him to admit or deny."

Each matter of which the admission is requested is admitted unless the party to whom the request is directed serves upon the party requesting the admission either (1) a written statement signed by the party under the penalties of perjury specifically (i) denying the matter and (ii) setting forth in detail why the answering party cannot truthfully admit or deny the matter; or (2) a written objection addressed to the matter signed by the party or his attorney. If objection is made, the reasons therefore shall be stated. Each admission, denial, objection, or statement shall be preceded by the request to which it responds.

REQUEST FOR ADMISSIONS

1. That the Defendant has had a severe mice and cockroach infestation in her apartment during her tenancy.
2. That the Plaintiff has failed to schedule regular exterminations in the Tenant's apartment to mitigate the mice and cockroach infestation during the Tenant's tenancy.
3. That the Tenant has complained to the Landlord orally about the mice and cockroach infestation throughout the course of her tenancy.
4. That the Defendant has had insufficient heat and hot water in her apartment during her tenancy.
5. That the Plaintiff has failed to repair the insufficient heat and hot water in the Tenant's apartment during her tenancy.
6. That the Plaintiff is aware that the Defendant had to keep her oven open to keep her apartment warm during the winter months during the course of her tenancy.
7. That the Plaintiff is aware that needles and other drug paraphernalia have been found in the common areas of the building where the Tenant's unit is located during the Plaintiff's ownership.
8. That the Plaintiff is aware that there are non-residents people sleeping or staying in the common areas of the building where the Tenant's apartment is located and has failed to remedy the situation during the course of the Tenant's tenancy.
9. That the Defendant has had electrical system problems in her apartment during her tenancy.
10. That due to the electrical system problems in the Defendant's apartment and the Landlord's lack of response, the Defendant had no electricity in her kitchen for a week during the course of her tenancy.
11. That there have been broken kitchen cabinets in need of replacement/repair in the Defendant's unit which the Plaintiff has failed to replace/repair during the course of her tenancy.
12. That the Plaintiff is aware that the frames of the windows throughout the Tenant's apartment are being held in place by screws in the walls, and he has made no attempts to repair this condition during the Tenant's tenancy.
13. That the Plaintiff has knowledge of the damaged boards on the exterior back porches and

have made no attempt to repair this condition during the Tenant's tenancy.

14. That there are holes and cracks throughout the walls of the Tenant's apartment, and the Landlord has failed to make any attempts to repair these conditions during the Tenant's tenancy.
15. That the Plaintiff is aware that the Tenant and her family have had to eat out most days during the course of her tenancy because her refrigerator and cabinets are covered in mice feces and cockroaches.
16. That there has been extensive water damage on the ceilings of the Tenant's apartment during the course of her tenancy.
17. That the Plaintiff failed to account for the Defendant's security deposit and therefore has not complied with M.G.L. c. 185, § 15B.
18. That the Plaintiff is seeking rent specifically waived by the former owner in this eviction case from the Tenant.
19. That the Plaintiff is seeking the Tenant's eviction in part for money initially owed to the Tenant's former landlord.
20. That the Plaintiff knew of the City of Holyoke's case against the former owner for substandard conditions in 2019 at the time of the Plaintiff's purchase of the Tenant's building.

KIMBERLY HENDERSON
By her attorney

/s/ Joel Feldman
Joel Feldman
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I hereby certify that a
true copy of the above
document was served upon
the plaintiff's counsel by email

7/9/21

/s/Joel Feldman

Dated: 7/9/21