

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

HOUSING COURT DEPARTMENT
WESTERN DIVISION
DOCKET NO: 21 SP 0632

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

KIMBERLY HENDERSON’S REQUEST FOR PRODUCTION OF DOCUMENTS

This Request for Production of Documents is submitted for Plaintiff to answer pursuant to Rule 7 of the Uniform Summary Process Rules. Responses to this Request Production of Documents should be filed and served no later than the time specified by the Order of this Court.

The Defendant (hereinafter "Tenant") requests that Plaintiff (hereinafter "Landlord") produce the following documents, described below, for inspection and copying by the Defendant’s attorney at the offices of Defendant’s counsel.

Instructions as to Electronically Stored Information

Unless otherwise stated, all the document requests seek electronically stored information (“ESI”), in addition to other types of documents. In providing any ESI, you must heed the following instructions, pursuant to Mass. R. Civ. P. 34(b)(2)(C)(ii).

Physical Format. All ESI shall be produced on a Flash Drive.

Organization. If any files are produced from more than one source, the top-level directory of the CD should contain one sub-folder for each source. For example, if you produce files from two office computers, a laptop, and a digital camera, the files should be separated into folders with descriptive names, such as “\Main Office Computer” , “\Home Computer” , “\Work Laptop” , and “\Assistant’s Digital Camera.” Files should otherwise be organized into folders reflecting either their original directory (folder) hierarchies, the document requests to which they are responsive, or any other method that reflects how the files are maintained in the usual course of business.

File Formats. Any ESI photographs, videos, audio recordings, or documents kept in a commonly used format, as would be readable on a typical office computer, shall be produced in that format, without alteration. This includes the following file types: JPG, JPEG, GIF, BMP, TIFF, PNG, AVI, MPG, MOV, MP4, MP3, OGG, WAV, FLAC, AIFF, DOC, DOCX, DOT, DOTX, RTF, PDF, and TXT. Any ESI documents in unusual formats should be converted to one of the above formats, if possible. If not, image and text documents may be printed to paper, audio documents may be recorded to an audio CD, and video documents may be recorded to a video CD. As to any other types of ESI not listed above, such as database entries, the responding party should contact counsel for the propounding party to discuss making reasonable arrangements, and shall do so sufficiently ahead of time as to produce the ESI by the deadline for responding to these document requests.

Specific Instructions: E-mails. Any e-mails shall be produced in a form reflecting, to the maximum extent possible, all of the e-mail header information, including, at a minimum, the To, From, Sender, Date, Subject, Bcc, and Cc headers.

Specific Instructions: Text Messages. Any text messages should be produced in a format sufficient to show the entirety of the text message conversation, the identity of the sender and recipient (by name *and* phone number), and the date and time of the message. “Screenshot” image or images showing this information would be acceptable.

Specific Instructions: Social Media. Any ESI from social media Internet sites (*e.g.*, Facebook, Twitter, Google Plus, LinkedIn, MySpace, *etc.*) should be produced in the form of “screenshot” images of the information as displayed on the site. To the extent the social media site permits the user to show additional information (*e.g.*, a button to show a timestamp, or an option to show a comments thread), that additional information should be shown in the screenshot. If multiple screenshots must be used to convey all of the information, the file names should be appropriately named so that the logical order of the screenshots is self-evident (*e.g.*, Facebook Post 1, Part 1.jpg; Facebook Post 1, Part 2.jpg; ...). To the extent the date and time of a social media posting, such as a Twitter message, is not shown, that additional information should be separately provided.

Further Clarification. Should you have any difficulty comprehending any portion of the foregoing instructions, or should any other problem or issue arise relating to the production of ESI, you should contact counsel for the propounding party, and do so sufficiently ahead of time as to permit you to produce the ESI by the deadline for responding to these document requests.

DOCUMENTS REQUESTED

1. All lease or rental agreements between the Tenant and the Landlord or the Tenant and any former landlord.
2. All written communications, applications correspondence, or record thereof relating to the letting of the premises.
3. All letters and other documents pertaining to the Tenant’s occupancy of the apartment in

quiet received from or signed by the tenant.

4. All letter and other documents pertaining to Tenant's occupancy of the apartment in question from or signed by the Landlord or his agents which were sent or delivered to the Tenant.
5. Every notice, complaint, certification, report or request for repair or the like which you have received, concerning purportedly defective or admittedly defective sanitary, building, or health conditions in the Tenant's apartment and common areas or grounds associated therewith, since the time you became the owner of the premises and continuing to the present.
6. All repair orders, contracts, bills, cancelled checks and payment receipts or any other documents, pertaining to each and every repair undertaken by you or your agents at the Tenant's apartment or common areas or grounds, for the period beginning with the Tenant's occupancy and continuing to the present.
7. All deed or other documents purporting to state who currently owns the property whether as a legal or beneficial owner.
8. All documents purporting to state the entity and/or individuals who have managed, or are managing, the Tenant's dwelling rental unit, from the time of the Landlord's ownership until the present.
9. All documents describing the condition of the property since the time the Tenant began to live there.
10. All documents containing any information about the heat in the Tenant's apartment since the inception of the Tenant's tenancy.
11. All documents related in any way to the mice and cockroach infestation in the Tenant's apartment during the Tenant's tenancy.
12. For purposes of c. 93A, please provide documents showing the number of apartments owned by the Landlord in Massachusetts.
13. A copy of the rent ledger, rent receipts, and any other documents concerning rent owed or rent paid kept by you, relative to the Tenant's tenancy, whether the rent was paid by the defendant or on his behalf.
14. All documents relating to each communication you or your agents or employees or contractors have had with the defendant or members of her household concerning conditions at the property or any other issue relating to the residency of the Tenant at any dwelling unit at the property.
15. All documents reflecting communications between or among the plaintiff and its agents, contractors or employees concerning the condition of the property from the time the Landlord

became owner of the property, including specifically the conditions mentioned in the Tenant's Answer and Counterclaims.

16. All documents which identify which persons or entities have been responsible for management and maintenance of the property since the Plaintiff has owned the property, including such persons' or entities' address and phone number, and provide a description of their specific responsibilities.

17. All documents relating in any way to the conditions described by the Tenant in her Answer and Counterclaims.

18. All documents reflecting identities of the persons who have managed and provided repairs to the since the Plaintiff's ownership of the property.

19. All documents during the Tenant's occupancy of any dwelling unit at the property reflecting any inspection of the property, or visit to the property, by any employee or agent or contractor of the Plaintiff, including any documents reflecting the name, address, or email address or phone number of such person and the substance of such visit or inspection.

20. All documents reflecting repairs you have made to the property resided in by the Tenant, including dates, cost of repairs, and documents reflecting such repairs.

21. All documents reflecting the receipt of any payment for a security deposit by the Tenant to the Plaintiff or previous landlord.

22. All documents purporting to terminate the Tenant's tenancy during her tenancy.

23. All documents sent or received or created by the Landlord concerning the heating system and its functioning in the Tenant's apartment during her tenancy.

24. All documents mentioning or describing the following allegedly substandard conditions since you have owned the property.

- a. Mice and cockroach infestation;
- b. Inadequate heat and hot water;
- c. Drug paraphernalia in common areas;
- d. Unsecured building (homeless people sleeping in common areas);
- e. Defective electrical service;
- f. Water damaged ceilings;
- g. Holes and cracks in walls;
- h. Broken windows;
- i. Missing window screens;
- j. Rotten bathroom floor;
- k. Broken kitchen cabinets;
- l. Damaged boards on exterior porch; and
- m. Windows and doors are not weathertight.

25. All agreements or arrangements made between you and the previous owner for collecting rental debts of tenants or for having the authority to evict such tenants for such rental debts.
26. All insurance policies which arguably cover the occurrences and alleged violations of law described in the Answer and Counterclaims of the Tenant.
27. All documents which were exchanged, or were signed by you or signed by the seller at the closing of your purchase of the building in which the defendant lives, from January 2020 to the present.
28. All documents containing facts and information you used to determine the amount of rent owed to you which was conveyed in the notice to quit or Summary Process Summons and Complaint allegedly served upon the defendant.
29. All documents providing the result of all inspections you conducted of the defendant's apartment prior to or subsequent to the purchase of the defendant's building by you, between October, 2019 and May, 2020 to determine the conditions of the property as you were prepared to purchase it or just after the purchase.
30. All documents containing any facts which support your claim that you may seek the eviction of the Tenant for alleged debts the Tenant incurred not initially with you but rather with the owner of the building you allegedly purchased.
31. All documents reflecting your handling, deposit or safeguarding of the security deposit of the Tenant, since the time of your ownership of her building.
32. All documents reflecting the existence of non-residents sleeping or using drugs inside the common areas of the Tenant's building since your ownership of the building.
33. All documents provided to you by the former owner of the Tenant's building concerning City of Holyoke inspections of the property, or documents about any court cases brought by the City of Holyoke concerning the Tenant's building or any other documents describing conditions in individual units or common areas, since January 1, 2018.
34. All documents reflecting your knowledge of the condition of the common areas of the Tenant's building from January 1, 2020 through the date of your alleged purchase of the building.
35. All rental ledgers or rental debt documents reflecting the Tenant's alleged rental debt to the owner who allegedly sold you the building in 2020.
36. All documents concerning any eviction attempt by the former owner of the building against the Tenant since January 1, 2018, in your possession, custody or control.
37. All documents reflecting any discussions you had with the City of Holyoke concerning your purchase of the Tenant's building, including discussions about the conditions existing

inside individual apartments or common areas, between September 1, 2019 and June 1, 2020.

38. All documents reflecting any research you conducted relating to your purchase of the Tenant's building, between September 1, 2019 and April 1, 2020.

39. All documents reflecting facts showing your compliance with the mandates of the Massachusetts security deposit law, G.L. c. 186 15B.

KIMBERLY HENDERSON

By her attorney

/s/ Joel Feldman

Joel Feldman

BBO # 552963

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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