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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2181-CV-02271

\_\_\_\_\_  
CARLO DEMARIA, JR.,  
Plaintiff,

v.

EVERETT LEADER LLC, JOSHUA  
RESNEK, SERGIO CORNELIO, MATTHEW  
PHILBIN, and ANDREW PHILBIN, SR.,  
Defendants.

\_\_\_\_\_  
SERGIO CORNELIO,  
Counterclaim/Third-Party Plaintiff,

v.

CARLO DEMARIA, JR.,  
Counterclaim Defendant,

THE CITY OF EVERETT,  
Third-Party Defendant.

~~(PROPOSED)~~ ORDER GRANTING PLAINTIFF CARLO DEMARIA, JR.'S MOTION  
TO COMPEL (1) SUPPLEMENTAL DISCOVERY RESPONSES FROM  
DEFENDANTS EVERETT LEADER, LLC, JOSHUA RESNEK,  
AND MATTHEW PHILBIN AND (2) RESPONSES  
FROM ANDREW PHILBIN, SR.

Upon review of the Motion to Compel (1) Supplemental Discovery Responses from  
Defendants Everett Leader LLC, Joshua Resnek, and Matthew Philbin and (2) Responses from  
Defendant Andrew Philbin, Sr. filed by Plaintiff Carlo DeMaria, Jr. ("DeMaria"), it is hereby

ORDERED that all identified Defendants must respond to or supplement the discovery described below within <sup>20 days</sup> ~~ten (10)~~ days of this Order and as follows: *and consistent with The Court's Memorandum and Order on Plaintiff's Motion to Compel Source*

1. Defendant Everett Leader LLC must:

- a. respond to Requests 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 21, 22, 33, 34, 45, 48, 53, 54, 55, 57, 58, 59, 60, and 61 in DeMaria's First Set of Document Requests as written and produce any documents responsive thereto, with any responsive but privileged documents being placed on a privilege log that complies with Mass. R. Civ. P. 26;
- b. produce any phone records from January 1, 2021 to the present concerning the newspaper's reporting on DeMaria in response to Request 49;
- c. supplement its answers to interrogatories by identifying the full phone number of Mr. Resnek in response to Interrogatory 3;
- d. supplement its answers to interrogatories by identifying the number of times each Article has been viewed on its website in response to Interrogatory 16; and
- e. supplement its answers to interrogatories by providing the names of its sources in response to Interrogatories 2 and 4 in DeMaria's First Set of Interrogatories. In response to Interrogatory 2, the Everett Leader LLC must also identify each source's home address and telephone number. In response to Interrogatory 4, to the extent not already included in its answer, Everett Leader LLC must also supplement its answer to respond to subsections 4(i)-(vii).

2. Defendant Joshua Resnek must:

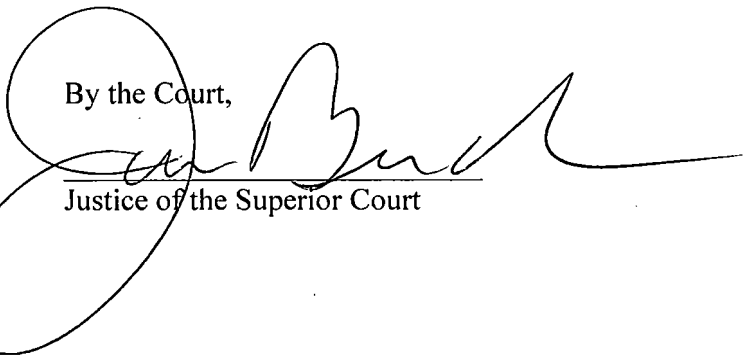
- a. respond to Requests 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 21, 22, 33, 34, 45, 49, 50, 51, 54, 55, 56, and 57 in DeMaria's First Set of Document Requests as written and produce any documents responsive thereto, with any responsive but privileged documents being placed on a privilege log that complies with Mass. R. Civ. P. 26;
- b. produce any phone records from January 1, 2021 to the present related to reporting on DeMaria in response to Request 48;
- c. supplement his answer to Interrogatory 1 in DeMaria's First Set of Interrogatories to provide his entire phone number; and

- d. supplement his answer to Interrogatory 4 to identify “any disciplinary action taken or threatened to be taken against [him]” and the “reason for [his] leaving each employer identified therein.
3. Defendant Matthew Philbin must:
- a. respond to Requests 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 21, 22, 33, 34, 45, 48, 53, 54, 55, 57, 58, 59 and 60 in DeMaria’s First Set of Document Requests as written and produce any documents responsive thereto, with any responsive but privileged documents being placed on a privilege log that complies with Mass. R. Civ. P. 26;
  - b. produce any phone records from January 1, 2021 to the present related to reporting on DeMaria in response to Request 49; and
  - c. supplement his answer to Interrogatory 1 in DeMaria’s First Set of Interrogatories to provide his entire phone number.
4. Andrew Philbin, Sr. must respond to DeMaria’s First Set of Interrogatories and Document Requests, and he has waived any objections thereto.

Additionally, Everett Leader LLC, Mr. Resnek, and Mr. Matthew Philbin must serve unredacted copies of the documents contained in their first production, and, in any further production, the identities of their purported sources shall not be redacted. They are also ordered to serve supplemental responses to DeMaria’s First Set of Document Requests including, in response to each Request where appropriate, a representation that they have served all documents responsive to that Request.

*consistent with this Court's Memorandum and Order on Plaintiff's Mot to Compel Surv.*

SO ORDERED:

By the Court,  
  
Justice of the Superior Court

Dated this 30<sup>th</sup> day of June, 2022  
~~February, 2022~~