COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss. **SUPERIOR COURT**
CIVIL ACTION NO. 2679CV00453

HAMPDEN COUNTY SUPERIOR COURT
FILED
OCT 20 2026
CLERK OF COURTS

USPB JV, LLC and another[1]

vs.

MASSACHUSETTS DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE and another[2]

ORDER ON FDS MA LIBERTY JUNCTION, LLC'S MOTION TO STAY DISCOVERY OR FOR PROTECTIVE ORDER

The defendant, FDS Liberty Junction, LLC (hereinafter Liberty) has filed a motion to stay discovery pending resolution of the defendants' motions to dismiss. In the alternative, Liberty seeks a narrowing of the discovery requests that have been served by the plaintiffs so as to protect Liberty's right to confidentiality, to limit disclosure of the discovery, and to prohibit any business or competitive use of the discovery. After review of Liberty's motion, together with the plaintiffs' opposition as well as Liberty's reply, Liberty's motion to stay discovery is denied. However, the court does find that Liberty has raised sufficient concerns about the confidentiality of the discovery sought to warrant the issuance of a protective order. As such, Liberty's motion for a protective order is allowed.

As the Court has ordered in its ruling of this same date on Liberty's three (3) motions to quash, counsel for the parties are instructed to confer with one another with the goal of negotiating the terms of a protective order that is satisfactory to the interests of each party. The attorneys for each party are encouraged to work to resolve any differences they may have

[1] Springfield Tower Square, LLC
[2] FDS MA Liberty Junction, LLC

regarding the language of the protective order. If an agreement can be reached, the Court directs counsel for Liberty to file that protective order with the Court no later than October 27, 2026, for the Court's review and approval.

Should the parties be unable to reach an agreement about the terms of the protective order, then counsel for each party shall submit a proposed protective order to the Court no later than October 27, 2026. The Court will then review each party's submission and shall issue a protective order that will be binding upon all parties and their counsel.

So ordered this 20th day of October 2026.

David M. Hodge
Justice of the Superior Court