

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
TRIAL COURT DEPARTMENT

JANE DOE 1 and JANE DOE 2, on behalf of  
themselves and others similarly situated,

*Plaintiffs,*

v.

John Hancock Life Insurance Company  
(U.S.A.), First Fitness Management, LLC,  
and Commonwealth Flats Development Corp.  
d/b/a Second Wave Health & Fitness,

*Defendants.*

2284CV00831

**AFFIDAVIT OF MICHAEL J. DURAN IN SUPPORT OF PLAINTIFFS'  
MOTION TO COMPEL DEFENDANT JOHN HANCOCK LIFE  
INSURANCE CO. (U.S.A.) TO PRODUCE DOCUMENTS**

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I, Michael J. Duran, hereby depose and state as follows:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts. I represent the Plaintiffs in the above-captioned matter.
2. This affidavit is based on my personal knowledge, and if called upon to testify as to the matters discussed herein, I would testify as set forth below.
3. Attached as Exhibit A is a true and accurate copy of Plaintiffs' First Request for Production of Documents to Defendant John Hancock Life Ins. CO. (U.S.A.), which was served on John Hancock on June 21, 2022.

4. Attached as Exhibit B is a true and accurate copy of Defendant John Hancock's Objections to Plaintiffs' Request for Production of Documents, which John Hancock served on December 21, 2022.

5. Attached as Exhibit C is a true and accurate copy of John Hancock's Supplemental Response to Plaintiff's First Set of Document Requests, which John Hancock served on September 29, 2023.

6. Attached as Exhibit D is a copy of an external email dated June 20, 2019, between John Hancock and the State Police, with redactions done by my office.

7. Attached as Exhibit E is a copy of an external email dated August 12, 2019, between John Hancock and the State Police, along with its attachment, with redactions done by my office.

8. Attached as Exhibit F is a copy of an external email dated August 22, 2019, between John Hancock and the State Police, with redactions done by my office.

9. Pursuant to Rule 9A(b)(2)(iv), a table of contents for the above exhibits immediately follows.

SUBMITTED UNDER THE PAINS AND PENALTIES OF PERJURY, THIS 28th DAY OF NOVEMBER 2023.

/s/ Michael J. Duran

Michael J. Duran, Esq. (BBO# 569234)

**CERTIFICATE OF SERVICE**

I, Michael J. Duran, hereby certify that on November 28, 2023, a true copy of the above document was served upon on the attorney of record for each party by email as follows:

**Dana M. McSherry** (*for Defendant John Hancock Life Ins. Co. (U.S.A)*)  
dmcsherry@mwe.com

**Mark W. Pearlstein** (*for Defendant John Hancock Life Ins. Co. (U.S.A)*)  
mpearlstein@mwe.com

**Natasha Dobrott** (*for Defendant John Hancock Life Ins. Co. (U.S.A)*)  
ndobrott@mwe.com

**Kevin Buono** (*for Defendant First Fitness Management, LLC*)  
kbuono@morrisonmahoney.com

**Joseph M. Desmond** (*for Defendant First Fitness Management, LLC*)  
jdesmond@morrisonmahoney.com

Dated: November 28, 2023

/s/ Michael J. Duran  
Michael J. Duran, Esq.

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# EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

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SUPERIOR COURT  
TRIAL COURT DEPARTMENT

JANE DOE 1 and JANE DOE 2, on behalf of  
themselves and others similarly situated,

*Plaintiffs,*

v.

John Hancock Life Insurance Company  
(U.S.A.), First Fitness Management, LLC,  
and Commonwealth Flats Development Corp.  
d/b/a Second Wave Health & Fitness,

*Defendants.*

No. 2284CV00831

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANT JOHN HANCOCK LIFE INS. CO. (U.S.A.)**

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Pursuant to Massachusetts Rules of Civil Procedure Rules 26 and 34, Plaintiffs, who are proceeding pseudonymously as Jane Doe 1 and Jane Doe 2, hereby request that Defendant John Hancock Life Insurance Company (U.S.A.) produce for inspection and copying the items and documents described below in its possession, custody, or control all documents and tangible things responsive here, at the offices of Milligan Rona Duran and King, LLC, 50 Congress Street, Suite 600, Boston, MA 02109, within the time period under Rule 34 and any other applicable rule(s).

**DEFINITIONS**

1. As used herein, the term "John Hancock" shall mean Defendant John Hancock Life Insurance Company (U.S.A.), and shall include any parent corporations,

subsidiaries, officers, directors, employees, affiliates, principals, agents, counsel, advisors, attorneys, and other representatives thereof, including but not limited to John Hancock Financial Services, Inc., and Manulife Financial Corporation.

2. As used herein, the terms “document” and “documents” shall have the full meaning and scope ascribed to them under Rule 34 of the Massachusetts Rules of Civil Procedure and Superior Court Rule 30A, and include all objects, tangible or intangible, from which information can be derived. By way of further explanation, “document” and “documents” mean the original, or a copy when the original is not available, and each nonidentical copy (including those that are nonidentical by reason of notations or markings), of all papers, white papers, electronically stored information, computer disks, computer files, electronic mail (e-mail), computer databases, web pages, books, pamphlets, periodicals, letters, reports, memoranda, handwritten notes, notations, messages, telegrams, cables, records, drafts, diaries, daytimers, videotapes, video recordings, studies, analyses, summaries, magazines, booklets, circulars, bulletins, instructions, minutes, photographs, purchase orders, checks, tabulations, bills, questionnaires, surveys, drawings, sketches, working papers, charts, graphs, indices, tapes, correspondence, records of purchase or sale, contracts, agreements, leases, invoices, expense records, trip reports, releases, appraisals, valuations, estimates, opinions, financial statements, accounting records, income statements, electronic or other transcriptions or taping of telephone or personal conversations or conferences, and/or any and all other written, printed, typed, punched, taped, filmed, or graphic matter or tangible thing, of whatsoever description, however produced or reproduced

(including computer stored or generated data, together with print-outs of the same as well as instructions and programs necessary to search or retrieve such data), including all attachments and enclosures to any requested item (which shall not be separated from the items to which they are attached or enclosed), and any other items or material upon which information is recorded or from which information may be obtained or retrieved by visual inspection or other means, including, without limitation, whether printed, recorded, or reproduced by any mechanical, electronic, or computer process. If the original of any document is not produced, provide the name and address of the person or entity having possession, custody, or control of the original.

3. As used herein, the term “communication” shall have the full meaning and scope ascribed to it under Superior Court Rule 30A, and shall include every manner or means of disclosure, transfer, or exchange of information (in the form of facts, ideas, inquiries, or otherwise), and every disclosure, transfer, or exchange of information, including, without limitation, all letters, memoranda, notes, and messages, whether printed, typed, or handwritten, including, but not limited to, all electronic modes of correspondence such as electronic mail, email, faxes, text messages, SMS messages, social media posts or comments, instant message, iMessage, web or app based communication method, and including all documents reflecting the substance or occurrence of conversations or meetings.

4. As used herein, the term “person” shall include any natural person, firm, organization, association, proprietorship, partnership, trust, corporation, or other entity, foreign or domestic.



5. As used herein, the term “record” shall mean any document intended to record an event, transaction, or communication, including, without limitation, journals, books of account, vouchers, expense account reports, receipts, time sheets, transaction files, phone logs, monthly or yearly statements, invoices, sales slips, sales orders, confirmation of purchases or sales orders, purchase orders, canceled checks, ledger entries, deposit slips, savings books, certificates of deposits, computer records or printouts, minute books, minutes of meetings of the board of directors or shareholders, resolutions, stock certificates, and the like.

6. As used herein, the terms “relate to” or “refer to,” or any variations thereof, shall mean regard, concern, describe, evidence, constitute, reflect, comprise, contain, embody, mention, show, support, contradict, and/or discuss, as required by the context to bring within the scope of this Request any documents and/or information that might be deemed outside the scope of a request by another construction.

7. As used herein, the word “any” shall mean “any and all.”

8. As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively, as required by the context to bring within the scope of this Request any documents and/or information that might be deemed outside the scope of a request by another construction.

9. As used herein, any word written in the singular shall be construed as plural and vice-versa, and any masculine word shall be construed as feminine or neuter and vice-versa as required by the context to bring within the scope of this Request any documents and/or information that might be deemed outside the scope of a request by

another construction.

### INSTRUCTIONS

1. The written response to these requests must state, with respect to each item or category, that you will produce the documents or tangible things requested unless you object to the Request, in which case the Request must be objected to and the reasons for the objection must be stated as set out in Instruction 8, below. If an objection is made to part of an item or category, the part objected to must be specified and the remainder of the Request granted.

2. For each document produced, specify to which request the document is responsive.

3. You are required to produce and permit inspection and copying of every requested document and the inspection and copying, testing, or sampling of each tangible thing that is in your possession, custody, or control, or that is in the possession, custody, or control of your principals, agents, employees, attorneys, representatives, insurers, and any other persons or entities, acting or purporting to act on your behalf, and any other persons or entities in active concert and participation with you, whether past or present and without regard to whether their relationship with you currently exists or has been terminated.

4. You are required to produce, pursuant to this Request, the original of every requested document and tangible thing and any non-identical copies that have been altered or added to in any way or that contain on their face additional markings, marginalia, comments, post-it notes, or information. If the original of any document is

not available for copying, the most legible copy and any non-identical copies should be produced.

5. If any document sought by these Requests has been destroyed, you are requested to state, regarding each document, its date, author(s), recipients(s), and the date and full circumstances (including identities of persons involved) of its destruction.

6. Unless the context of a particular request indicates otherwise, the relevant time period to which each request refers is January 1, 2014 to the present.

7. If an objection is made to any numbered request, or any subpart thereof, state with specificity all grounds for the objection.

8. If you object to the production, inspection, or copying of any requested document on the grounds of privilege, work product, or on any other grounds, You are required to state for each document:

- (a) the nature of the document or communication (e.g., letter, memorandum, etc.).
- (b) the date of the document.
- (c) the author(s) of the document.
- (d) the name and address of each person or entity to whom the document was given, shown, or sent.
- (e) a summary of its substance.
- (f) the name and address of each person or entity who has possession, custody, or control of the document or tangible thing or any copy thereof.

(g) a full explanation of the privilege or exclusion claimed and the basis of that claim, including a precise description of the material contained in the document which you claim to be privileged or excluded and an identification of the material contained therein, if any, for which you do not claim a privilege or exclusion from discovery. and

(h) the paragraph(s) of the Request to which the document relates.

9. The documents to be produced pursuant to this Request must be produced either as they are kept in the usual course of business or they must be organized and labeled to correspond with the categories in this Request.

10. You are requested, if you are unable to obtain any document required to be produced pursuant to this Request because the document is in the possession, custody, or control of any other person or entity, to state for each document:

(a) the nature of the document or communication (e.g., letter, memorandum, etc.).

(b) the date of the document.

(c) the author of the document.

(d) the name and address of each person or entity to whom the document was given, shown, or sent.

(e) a description of the efforts taken by you to obtain the document. and

(f) the reasons, if any, given by the person or entity in possession, custody, or control of the document for not providing it to you.

11. A tangible thing is to be deemed in your possession, custody or control if

it is in your physical custody, or if it is in the physical custody of any other person and you (1) own such document in whole or in part, (2) have a right, by contract, statute or otherwise, to use, inspect, examine or copy such document on any terms, (3) have an understanding, express or implied, that you may use, inspect, examine or copy such document on any terms, or (4) have, as a practical matter, been able to use, inspect, examine or copy such document when you sought to do so.

12. All attachments to any requested documents that are stapled, paper clipped, or otherwise affixed to responsive documents must be produced and must be attached to the document to which they relate.

13. All electronically stored information, including any emails and attachments, shall be produced shall be produced as TIFF images or PDFs accompanied by searchable document-level full text, and Opticon load files, and including and/or preserving the following metadata fields: starting bates, ending bates, to, from, cc, bcc, date sent, date received, date created, date last modified, date last printed, subject, body, attachments, filename, file path, title, begattach, endattach, author, source, and custodian.

14. Native electronic files, including email attachments, including but not limited to Microsoft Word files, Microsoft Excel files, Microsoft PowerPoint files, and PDFs, shall, in addition to the manner specific in the previous instruction, be also produced in native form or in such other manner which fully preserves and displays all document-level text, all hidden text, all spreadsheet tabs, all spreadsheet rows or columns containing data, all comments, all notes, all presenter notes, all markups, and

all document properties.

15. Non-electronically stored information, such as paper documents, should be scanned and produced in electronic form as TIFF images, accompanied with searchable OCR text and Opticon load files.

16. You are required pursuant to Rule 26(e) of the Massachusetts Rules of Civil Procedure reasonably to supplement all of your responses to include information, documents, and tangible things found or acquired after service of your response to this request.

### REQUESTS

1. All documents relating to the discovery in or around April 2019 of a hidden camera in or adjacent to a women's locker room at 601 Congress Street, Boston, MA 02210 ("Hidden Camera Incident").

2. All documents which show or reflect the identity of the person who in or around April 2019 discovered a hidden camera in or adjacent to a women's locker room at 601 Congress Street, Boston, MA 02210.

3. All internal and external communications and documents relating to the Hidden Camera, the Internal Investigation, and the Hidden Camera Incident.

4. All documents relating to the internal investigation of the Hidden Camera Incident (the "Internal Investigation").

5. All communications with any employee or agent of John Hancock and/or its affiliates relating to the Hidden Camera Incident or the Internal Investigation.

6. All communications with any employee or agent of Manulife Financial Corporation and/or its affiliates relating to the Hidden Camera Incident or the Internal Investigation.

7. All communications with any employee or agent of MassPort relating to the Hidden Camera Incident or the Internal Investigation.

8. All notices to or other communications with any potential victims of the Incident or those whose images may have been recorded or viewed with the Hidden Camera.

9. All lists or other documents identifying the women who used or had access to the women's locker room at 601 Congress Street, Boston, MA 02210 between January 1, 2014 and December 31, 2019.

10. All communications with any employee or agent of First Fitness Management, LLC or Commonwealth Flats Development Corp. d/b/a Second Wave Health & Fitness relating to the Hidden Camera Incident or the Internal Investigation.

11. All communications with any employee or agent of a public relations, media consulting, reputation management, or crisis management consulting firm relating to the Hidden Camera Incident or the Internal Investigation.

12. All communications with any employee or agent of any commercial tenant or occupant of any portion of the offices at 601 Congress Street, Boston, MA 02210 relating to the Hidden Camera Incident or the Internal Investigation.

13. All communications with any employee or officer of the Boston Police Department relating to the Hidden Camera Incident or the Internal Investigation.

14. All communications with any employee or officer of the Massachusetts State Police relating to the Hidden Camera Incident or the Internal Investigation.

15. All communications with any private security personnel of Manulife Financial Corporation and/or John Hancock relating to the Hidden Camera Incident or the Internal Investigation.

16. All documents which show or reflect the identity of any agent or employee of John Hancock who had access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered.

17. All logs which identify, including by name, date, and time, the people who gained access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered at any point between January 1, 2014 and December 31, 2019.

18. All documents and communications relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.

19. All communications with any agent or employee of First Fitness relating to the Hidden Camera Incident or the Internal Investigation.

20. All communications with any agent or employee of Second Wave Fitness relating to the Hidden Camera Incident or the Internal Investigation



21. All documents related to the allegation, investigation, or discovery of the theft of laptops on or around January 2015 from the locked or restricted-access area where a monitor linked to the Hidden Camera Incident.

22. All documents relating to the theft of any electronic and/or surveillance equipment from a locked or restricted-access area between January 1, 2014 and December 31, 2019.

23. All documents which show or reflect the names of all persons interviewed as part of the Internal Investigation.

24. All documents which show or reflect the names of all persons of interest identified in the Internal Investigation.

25. All documents which show or reflect the names of all suspects identified in the Internal Investigation.

26. All documents and communications sent to agents or employees of John Hancock related to the discovery of the Hidden Camera Incident and the Internal Investigation.

27. All documents and communications sent to agents or employees of John Hancock Financial Services related to the discovery of any other hidden cameras at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.

28. Any documents and communications sent to or from Dean Mini relating to the Hidden Camera incident or the Internal Investigation.

29. Any documents and communications sent to or from Dean Mini relating to the theft of John Hancock's electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras and monitors, between January 1, 2014 and December 31, 2019.

30. Any documents and communications sent to or from Dean Mini related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.

31. Any documents and communications sent to or from Marianne Harrison relating to the Hidden Camera incident or the Internal Investigation.

32. Any documents and communications sent to or from Marianne Harrison relating to the theft of electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras, and/or mobile surveillance camera monitors, between January 1, 2014 and December 31, 2019.

33. Any documents and communications sent to or from Marianne Harrison related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.

34. Any documents and communications sent to or from Thomas Samoluk relating to the Hidden Camera incident or the Internal Investigation

35. Any documents and communications sent to or from Thomas Samoluk relating to the theft of electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras, and mobile surveillance monitors, between January 1, 2014 and December 31, 2019.

36. Any documents and communications sent to or from Thomas Samoluk related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.

37. All documents relating to the employee record of Donald Uggiano, including but not limited to any disciplinary actions taken against him.

38. All communications with any employee or agent of Black Bear Pictures relating to the Hidden Camera Incident or Investigation.

39. All documents relating to John Hancock's purchase of covert or pinhole cameras, including covert or pinhole CCD cameras, between January 1, 2014 and December 31, 2019.

40. All documents relating to John Hancock's purchase of mobile surveillance camera monitors, including but not limited to any Speco Technologies portable color LCD test monitors, between January 1, 2014 and December 31, 2019.

41. All documents relating to the disappearance of, misuse of, or problems locating any covert or pinhole cameras, including covert or pinhole CCD cameras, between January 1, 2014 and December 31, 2019.

42. All documents relating to the disappearance of, misuse of, or problems locating any mobile surveillance camera monitors, including but not limited to any Speco Technologies portable color LCD test monitors, between January 1, 2014 and December 31, 2019.

43. All documents showing the surveillance camera coverage areas and camera locations for the second floor and fourth floor of 601 Congress Street for any time between January 1, 2014 and December 31, 2019.

44. All documents relating to the termination or discipline of any employees in connection with the Hidden Camera Incident or as a result of the Internal Investigation.

45. All documents relating to the termination or discipline of any employees in connection with the theft, misuse, or misappropriation of any surveillance equipment belonging to John Hancock or at 601 Congress Street.

46. All documents relating to the location or locations where John Hancock stored its unused surveillance equipment, including a list of all employees who were granted or gained access thereto.

47. All documents relating to, reflecting, or discussing the reason or reasons that John Hancock purchased or used covert or surveillance cameras, including the locations in which such cameras were used or would be used, the activities that such cameras were used or would be used to surveill, and the identities of the employees who would be involved in the authorization, deployment, maintenance, or redeployment of such cameras.

48. All documents relating to, reflecting, or discussing the reason or reasons that John Hancock purchased or used mobile surveillance camera monitors, including the situations in which such mobile monitors were used or would be used and the identities of the employees who would be involved in the authorization, use, and maintenance of such mobile monitors.

Respectfully submitted,

PLAINTIFFS JANE DOE 1 AND JANE  
DOE 2,

By their attorneys,



Ilyas J. Rona, Esq. (BBO# 642964)  
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Dated: June 15, 2022

# EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

Jane Doe 1 and Jane Doe 2, on behalf of  
themselves and others similarly situated,

C.A. No. 22-0831

*Plaintiffs,*

v.

John Hancock Life Insurance Company  
(U.S.A.), First Fitness Management, LLC, and  
Commonwealth Flats Development Corp.  
d/b/a Second Wave Health & Fitness,

*Defendants.*

**DEFENDANT JOHN HANCOCK LIFE INSURANCE COMPANY'S (U.S.A.) OBJECTIONS  
TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Massachusetts Rules of Civil Procedure, Defendant John Hancock Life Insurance Company (U.S.A.) ("John Hancock") objects to Plaintiffs' Request for the Production of Documents (the "Requests") as follows:

**GENERAL OBJECTIONS**

1. John Hancock objects to each of Plaintiffs' Requests on the grounds that party discovery is premature given John Hancock's pending Motion to Dismiss, filed on December 14, 2022, which, if granted, will fully resolve the matter. Commencing party discovery will place an undue burden on John Hancock given Plaintiffs' failure to state a claim pursuant to Massachusetts Rule of Civil Procedure 12(b)(6). Staying discovery until the resolution of John Hancock's pending Motion to Dismiss would conserve party and Court resources and Plaintiffs would suffer no prejudice from the delay.

2. John Hancock's objections are limited to information obtained to date, and are made without prejudice to John Hancock's right to amend or supplement its responses and objections.

3. John Hancock objects to each of the Definitions and Instructions in the Requests to the extent they exceed the scope and authority of the Massachusetts Rules of Civil Procedure or the Superior Court Rules, or purport to impose obligations on John Hancock beyond those set forth in those rules. To the extent that John Hancock agrees to or the Court orders the production of documents in response to any Request, John Hancock will make a diligent, good faith search of sources and will produce responsive discovery material located in connection therewith. If any discovery material is inadvertently overlooked in the course of such search, such discovery material will be produced when located, subject to the objections set forth herein.

4. John Hancock objects to the Requests as overly broad and unduly burdensome to the extent they seek "all documents" relating to a given subject matter. To the extent that John Hancock agrees to or the Court orders the production of documents in response to any Request, John Hancock will search those files in its possession, custody, or control where there is a reasonable likelihood that responsive documents may be located.

5. John Hancock objects to the Requests to the extent they seek, without specific justification, discovery material created after the June 15, 2022 date of the Requests.

6. John Hancock objects to the Requests to the extent they seek discovery material relating to matters outside the scope of this action or fail to seek discovery material relevant to this action or reasonably calculated to lead to the discovery of admissible evidence in this action.



7. John Hancock objects to the Requests to the extent they seek discovery material that is cumulative or duplicative, is in Plaintiffs' possession, or is obtainable publicly or from some other source that is more convenient, less burdensome, or less expensive.

8. John Hancock objects to the Requests to the extent they seek discovery material not in the possession, custody, or control of John Hancock.

9. John Hancock objects to the Requests to the extent they seek discovery material protected from disclosure by the attorney-client privilege, work-product privilege, statutory privilege, or any other legally cognizable privilege or immunity. To the extent that John Hancock agrees to or the Court orders the production of documents in response to any Request, the production of any discovery material is without waiver of any privilege or claim of confidentiality. In the event John Hancock produces any privileged discovery material, its production is inadvertent and does not constitute a waiver of any privilege or immunity.

10. John Hancock is providing this response and to the extent that John Hancock agrees to or the Court orders the production of documents in response to any Request, will produce discovery material without waiver of or prejudice to its right at any later time, to raise objections to: (i) the competence, relevance, materiality, privilege, or admissibility of (a) the Requests or any part thereof, (b) statements made in response to the Requests or any part thereof, or (c) any document or information produced pursuant to this response; and (ii) any other demand for discovery material involving or relating to the matters raised in the Requests or the discovery material produced in response to the Requests.

11. To the extent that John Hancock agrees to or the Court orders the production of documents in response to any Request, John Hancock will produce documents responsive to these Requests on a rolling basis. John Hancock reserves the right to supplement, revise, correct, add

to, or clarify the objections, answers, or responses set forth herein and any production of discovery material made pursuant thereto. If John Hancock identifies responsive discovery material at a future date, John Hancock reserves the right at that time to amend its objections, answers, or responses, including, without limitation, to evaluate whether any privilege or immunity applies to such discovery material and to assert such privilege or immunity. John Hancock also expressly reserves the right to redact discovery material produced in response to the Requests.

12. John Hancock objects to the specific requests to the extent that they are redundant or duplicative of other specific requests. To the extent that John Hancock agrees to or the Court orders the production of documents in response to any Request, where discovery material is reasonably responsive to more than one request, John Hancock will produce that discovery material only once.

13. To the extent that John Hancock agrees to or the Court orders the production of documents in response to any Request, the fact of these objections and/or any assertion that John Hancock will produce discovery material in response to a particular request is not to be construed as an admission that any discovery material exists within any requested category or categories but solely as an assertion that John Hancock will (consistent with the objections raised herein or hereafter) produce responsive discovery material within its possession, custody, or control should any be found.

14. John Hancock reserves the right to make use of or to introduce at any hearing discovery material responsive to the Requests but discovered subsequent to the date of its responses, including, but not limited to, any discovery material obtained during discovery.

15. John Hancock reserves the right to object to the admissibility at the hearing of any objection, answer, or response made herein, and John Hancock's objections, answers, and

responses are not and shall not be deemed an admission or concession of the relevance of any request, or an admission as to the admissibility of any objection, answer or response in this action.

16. John Hancock objects to the Requests to the extent that they that they call for the production of documents that contain confidential or proprietary business information. To the extent the Requests call for the production of confidential or proprietary business information, John Hancock will produce any non-privileged documents responsive to such Requests only after the entry of an appropriate Confidentiality Order between the parties by the Court.

17. John Hancock objects to Instructions in the Requests regarding the production format of electronically stored information to the extent that certain Instruction requirements for production format would impose an unreasonable cost or be unduly burdensome on John Hancock. John Hancock will endeavor to reach a mutually acceptable agreement with Plaintiffs' regarding the production format, and will produce electronically stored information pursuant to such an agreement.

### **SPECIFIC OBJECTIONS**

**Request No. 1:** *All documents relating to the discovery in or around April 2019 of a hidden camera in or adjacent to a women's locker room at 601 Congress Street, Boston, MA 02210 ("Hidden Camera Incident").*

**John Hancock Response to No. 1:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No. 2:** *All documents which show or reflect the identity of the person who in or around April 2019 discovered a hidden camera in or adjacent to a women's locker room at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 2:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 1 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No 3:** *All internal and external communications and documents relating to the Hidden Camera, the Internal Investigation, and the Hidden Camera Incident.*

**John Hancock Response to No. 3:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 1 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No. 4:** *All documents relating to the internal investigation of the Hidden Camera Incident (the "Internal Investigation").*

**John Hancock Response to No. 4:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No. 5:** *All communications with any employee or agent of John Hancock and/or its affiliates relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 5:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No. 6:** *All communications with any employee or agent of Manulife Financial Corporation and/or its affiliates relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 6:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No. 7:** *All communications with any employee or agent of MassPort relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 7:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 8:** *All notices to or other communications with any potential victims of the Incident or those whose images may have been recorded or viewed with the Hidden Camera.*

**John Hancock Response to No. 8:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No. 9:** *All lists or other documents identifying the women who used or had access to the women's locker room at 601 Congress Street, Boston, MA 02210 between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 9:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground

that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it would require John Hancock to create documents not now in existence or requests documents outside of John Hancock’s possession, custody, or control.

**Request No. 10:** *All communications with any employee or agent of First Fitness Management, LLC or Commonwealth Flats Development Corp. d/b/a Second Wave Health & Fitness relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 10:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 11:** *All communications with any employee or agent of a public relations, media consulting, reputation management, or crisis management consulting firm relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 11:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 12:** *All communications with any employee or agent of any commercial tenant or occupant of any portion of the offices at 601 Congress Street, Boston, MA 02210 relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 12:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 13:** *All communications with any employee or officer of the Boston Police Department relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 13:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 14:** *All communications with any employee or officer of the Massachusetts State Police relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 14:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Request No. 15:** *All communications with any private security personnel of Manulife Financial Corporation and/or John Hancock relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 15:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 16:** *All documents which show or reflect the identity of any agent or employee of John Hancock who had access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered.*

**John Hancock Response to No. 16:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks "all" documents related

to the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Request No. 17:** *All logs which identify, including by name, date, and time, the people who gained access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered at any point between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 17:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Request No. 18:** *All documents and communications relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 18:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Request No. 19:** *All communications with any agent or employee of First Fitness relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 19:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 and 10 above.

**Request No. 20:** *All communications with any agent or employee of Second Wave Fitness relating to the Hidden Camera Incident or the Internal Investigation.*



**John Hancock Response to No. 20:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 and 10 above.

**Request No. 21:** *All documents related to the allegation, investigation, or discovery of the theft of laptops on or around January 2015 from the locked or restricted-access area where a monitor linked to the Hidden Camera Incident.*

**John Hancock Response to No. 21:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Request No. 22:** *All documents relating to the theft of any electronic and/or surveillance equipment from a locked or restricted-access area between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 22:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request.

**Request No. 23:** *All documents which show or reflect the names of all persons interviewed as part of the Internal Investigation.*

**John Hancock Response to No. 23:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Request No. 24:** *All documents which show or reflect the names of all persons of interest identified in the Internal Investigation.*

**John Hancock Response to No. 24:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Request No. 25:** *All documents which show or reflect the names of all suspects identified in the Internal Investigation.*

**John Hancock Response to No. 25:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 24 above. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Request No. 26:** *All documents and communications sent to agents or employees of John Hancock related to the discovery of the Hidden Camera Incident and the Internal Investigation.*

**John Hancock Response to No. 26:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already within Plaintiffs’ possession, custody, or control.

**Request No. 27:** *All documents and communications sent to agents or employees of John Hancock Financial Services related to the discovery of any other hidden cameras at 601 Congress Street,*

*Boston, MA 02210, including but not limited to any cameras alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 27:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above. John Hancock further objects to this Request to the extent it seeks information or documents already within Plaintiffs’ possession, custody, or control.

**Request No. 28:** *Any documents and communications sent to or from Dean Mini relating to the Hidden Camera incident or the Internal Investigation.*

**John Hancock Response to No. 28:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 29:** *Any documents and communications sent to or from Dean Mini relating to the theft of John Hancock’s electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras and monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 29:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Request No. 30:** *Any documents and communications sent to or from Dean Mini related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA*

*02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 30:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above.

**Request No. 31:** *Any documents and communications sent to or from Marianne Harrison relating to the Hidden Camera incident or the Internal Investigation.*

**John Hancock Response to No. 31:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 32:** *Any documents and communications sent to or from Marianne Harrison relating to the theft of electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras, and/or mobile surveillance camera monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 32:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Request No. 33:** *Any documents and communications sent to or from Marianne Harrison related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 33:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above.

**Request No. 34:** *Any documents and communications sent to or from Thomas Samoluk relating to the Hidden Camera incident or the Internal Investigation.*

**John Hancock Response to No. 34:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 35:** *Any documents and communications sent to or from Thomas Samoluk relating to the theft of electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras, and mobile surveillance monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 35:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Request No. 36:** *Any documents and communications sent to or from Thomas Samoluk related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 36:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks

“all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above.

**Request No. 37:** *All documents relating to the employee record of Donald Uggiano, including but not limited to any disciplinary actions taken against him.*

**John Hancock Response to No. 37:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 38:** *All communications with any employee or agent of Black Bear Pictures relating to the Hidden Camera Incident or Investigation.*

**John Hancock Response to No. 38:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Request No. 39:** *All documents relating to John Hancock’s purchase of covert or pinhole cameras, including covert or pinhole CCD cameras, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 39:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 40:** *All documents relating to John Hancock's purchase of mobile surveillance camera monitors, including but not limited to any Speco Technologies portable color LCD test monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 40:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 41:** *All documents relating to the disappearance of, misuse of, or problems locating any covert or pinhole cameras, including covert or pinhole CCD cameras, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 41:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request.

**Request No. 42:** *All documents relating to the disappearance of, misuse of, or problems locating any mobile surveillance camera monitors, including but not limited to any Speco Technologies portable color LCD test monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 42:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request.

**Request No. 43:** *All documents showing the surveillance camera coverage areas and camera locations for the second floor and fourth floor of 601 Congress Street for any time between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 43:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 44:** *All documents relating to the termination or discipline of any employees in connection with the Hidden Camera Incident or as a result of the Internal Investigation.*

**John Hancock Response to No. 44:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 4 above.

**Request No. 45:** *All documents relating to the termination or discipline of any employees in connection with the theft, misuse, or misappropriation of any surveillance equipment belonging to John Hancock or at 601 Congress Street.*

**John Hancock Response to No. 45:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 46:** *All documents relating to the location or locations where John Hancock stored its unused surveillance equipment, including a list of all employees who were granted or gained access thereto.*

**John Hancock Response to No. 46:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground



that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 47:** *All documents relating to, reflecting, or discussing the reason or reasons that John Hancock purchased or used covert or surveillance cameras, including the locations in which such cameras were used or would be used, the activities that such cameras were used or would be used to surveil, and the identities of the employees who would be involved in the authorization, deployment, maintenance, or redeployment of such cameras.*

**John Hancock Response to No. 47:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 48:** *All documents relating to, reflecting, or discussing the reason or reasons that John Hancock purchased or used mobile surveillance camera monitors, including the situations in which such mobile monitors were used or would be used and the identities of the employees who would be involved in the authorization, use, and maintenance of such mobile monitors.*

**John Hancock Response to No. 48:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

Dated: December 21, 2022

Respectfully submitted,

*/s/ Dana McSherry*

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*Attorneys for Defendant John Hancock Life  
Insurance Company (U.S.A.)*

**RULE 9B CERTIFICATE OF SERVICE**

I, Dana M. McSherry, hereby certify that on the 21st day of December, 2022, a true copy of the above document was served upon on the attorney of record for each party by email as follows:

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/s/ Dana McSherry

# EXHIBIT C

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

Jane Doe 1 and Jane Doe 2, on behalf of  
themselves and others similarly situated,

C.A. No. 22-0831

*Plaintiffs,*

v.

John Hancock Life Insurance Company  
(U.S.A.), First Fitness Management, LLC, and  
Commonwealth Flats Development Corp.  
d/b/a Second Wave Health & Fitness,

*Defendants.*

**DEFENDANT JOHN HANCOCK LIFE INSURANCE COMPANY'S (U.S.A.)  
SUPPLEMENTAL RESPONSE TO PLAINTIFFS'  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Massachusetts Rules of Civil Procedure, Defendant John Hancock Life Insurance Company (U.S.A.) ("John Hancock") supplements its response to Plaintiffs' First Set of Requests for the Production of Documents (the "Requests") as follows:

**GENERAL OBJECTIONS**

1. John Hancock's objections are limited to information obtained to date and are made without prejudice to John Hancock's right to amend or supplement its responses and objections.
2. John Hancock objects to each of the Definitions and Instructions in the Requests to the extent they exceed the scope and authority of the Massachusetts Rules of Civil Procedure or the Superior Court Rules, or purport to impose obligations on John Hancock beyond those set forth in those rules. John Hancock will make a diligent, good faith search of sources and will produce responsive discovery material located in connection therewith. If any discovery material is

inadvertently overlooked in the course of such search, such discovery material will be produced when located, subject to the objections set forth herein.

3. John Hancock objects to the Requests as overly broad and unduly burdensome to the extent they seek “all documents” relating to a given subject matter. John Hancock will search those files in its possession, custody, or control where there is a reasonable likelihood that responsive documents may be located.

4. John Hancock objects to the Requests to the extent they seek, without specific justification, discovery material created after the June 21, 2022, the date the original Complaint and First Set of Requests were served.

5. John Hancock objects to the Requests to the extent they seek discovery material relating to matters outside the scope of this action or fail to seek discovery material relevant to this action or reasonably calculated to lead to the discovery of admissible evidence in this action.

6. John Hancock objects to the Requests to the extent they seek discovery material that is cumulative or duplicative, is in Plaintiffs’ possession, or is obtainable publicly or from some other source that is more convenient, less burdensome, or less expensive.

7. John Hancock objects to the Requests to the extent they seek discovery material not in the possession, custody, or control of John Hancock.

8. John Hancock objects to the Requests to the extent that they call for the production of documents that contain confidential information. To the extent the Requests call for the production of confidential information, John Hancock will produce any non-privileged, non-objectionable documents responsive to such Requests only after the entry of an appropriate Protective Order between the parties by the Court.

9. John Hancock objects to the Requests to the extent they seek discovery material protected from disclosure by the attorney-client privilege, work-product privilege, statutory privilege, common interest and joint defense privilege, or any other legally cognizable privilege or immunity. The production of any discovery material is without waiver of any privilege or claim of confidentiality. In the event John Hancock produces any privileged discovery material, its production is inadvertent and does not constitute a waiver of any privilege or immunity.

10. John Hancock is providing this response and will produce discovery material without waiver of or prejudice to its right at any later time, to raise objections to: (i) the competence, relevance, materiality, privilege, or admissibility of (a) the Requests or any part thereof, (b) statements made in response to the Requests or any part thereof, or (c) any document or information produced pursuant to this response; and (ii) any other demand for discovery material involving or relating to the matters raised in the Requests or the discovery material produced in response to the Requests.

11. John Hancock will produce documents responsive to these Requests on a rolling basis. John Hancock reserves the right to supplement, revise, correct, add to, or clarify the objections, answers, or responses set forth herein and any production of discovery material made pursuant thereto. If John Hancock identifies responsive discovery material at a future date, John Hancock reserves the right at that time to amend its objections, answers, or responses, including, without limitation, to evaluate whether any privilege or immunity applies to such discovery material and to assert such privilege or immunity. John Hancock also expressly reserves the right to redact discovery material produced in response to the Requests.

12. John Hancock objects to the specific requests to the extent that they are redundant or duplicative of other specific requests. Where discovery material is reasonably responsive to more than one request, John Hancock will produce that discovery material only once.

13. The fact of these objections and/or any assertion that John Hancock will produce discovery material in response to a particular request is not to be construed as an admission that any discovery material exists within any requested category or categories but solely as an assertion that John Hancock will (consistent with the objections raised herein or hereafter) produce responsive discovery material within its possession, custody, or control should any be found.

14. John Hancock objects to the specific requests to the extent that they call for the production of documents relating to Plaintiffs' class allegations. To the extent the Requests call for the production of documents relating to Plaintiffs' class allegations, John Hancock will produce any non-privileged, non-objectionable documents responsive to such Requests after the Court rules on Defendants' Joint Consolidated Motion to Strike Plaintiffs' Class Allegations, which was served on Plaintiffs on August 25, 2023.

15. John Hancock reserves the right to make use of or to introduce at any hearing discovery material responsive to the Requests but discovered subsequent to the date of its responses, including, but not limited to, any discovery material obtained during discovery.

16. John Hancock reserves the right to object to the admissibility at the hearing of any objection, answer, or response made herein, and John Hancock's objections, answers, and responses are not and shall not be deemed an admission or concession of the relevance of any request, or an admission as to the admissibility of any objection, answer, or response in this action.

17. John Hancock objects to Instructions in the Requests regarding the production format of electronically stored information to the extent that certain Instruction requirements for



production format would impose an unreasonable cost or be unduly burdensome on John Hancock. John Hancock will endeavor to reach a mutually acceptable agreement with Plaintiffs regarding the production format and will produce electronically stored information pursuant to such an agreement.

### **SPECIFIC OBJECTIONS**

**Request No. 1:** *All documents relating to the discovery in or around April 2019 of a hidden camera in or adjacent to a women's locker room at 601 Congress Street, Boston, MA 02210 ("Hidden Camera Incident").*

**John Hancock Response to No. 1:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 1:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control regarding the Hidden Camera Incident.

**Request No. 2:** *All documents which show or reflect the identity of the person who in or around April 2019 discovered a hidden camera in or adjacent to a women's locker room at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 2:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 1 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 2:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control regarding the person who discovered the Hidden Camera.

**Request No 3:** *All internal and external communications and documents relating to the Hidden Camera, the Internal Investigation, and the Hidden Camera Incident.*

**John Hancock Response to No. 3:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 1 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 3:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control regarding the Hidden Camera, the Internal Investigation, and the Hidden Camera Incident.

**Request No. 4:** *All documents relating to the internal investigation of the Hidden Camera Incident (the "Internal Investigation").*

**John Hancock Response to No. 4:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 4:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-

objectionable documents and communications that are in its care, custody, or control regarding the Internal Investigation of the Hidden Camera Incident.

**Request No. 5:** *All communications with any employee or agent of John Hancock and/or its affiliates relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 5:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 5:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock and its employees or agents relating to the Hidden Camera Incident or the Internal Investigation.

**Request No. 6:** *All communications with any employee or agent of Manulife Financial Corporation and/or its affiliates relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 6:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 6:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John

Hancock and any employee or agent of Manulife Financial Corporation relating to the Hidden Camera Incident or the Internal Investigation.

**Request No. 7:** *All communications with any employee or agent of MassPort relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 7:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 7:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock and MassPort employees or agents relating to the Hidden Camera Incident or the Internal Investigation.

**Request No. 8:** *All notices to or other communications with any potential victims of the Incident or those whose images may have been recorded or viewed with the Hidden Camera.*

**John Hancock Response to No. 8:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 8:** John Hancock further objects to this request to the extent it seeks information regarding putative class members on the grounds that it is premature given the pending Joint Consolidated Motion to Strike Plaintiffs' Class Allegations, which should be fully briefed and before the court by mid-October.

**Request No. 9:** *All lists or other documents identifying the women who used or had access to the women's locker room at 601 Congress Street, Boston, MA 02210 between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 9:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it would require John Hancock to create documents not now in existence or requests documents outside of John Hancock’s possession, custody, or control.

**Supplemental Response to No. 9:** John Hancock further objects to this request to the extent it seeks information regarding putative class members on the grounds that it is premature given the pending Joint Consolidated Motion to Strike Plaintiffs’ Class Allegations, which should be fully briefed and before the court by mid-October.

**Request No. 10:** *All communications with any employee or agent of First Fitness Management, LLC or Commonwealth Flats Development Corp. d/b/a Second Wave Health & Fitness relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 10:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 10:** John Hancock further objects to the extent this Request seeks documents that are protected by Defendants’ joint defense privilege. Subject to the foregoing objections, John Hancock will search for, and to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care,

custody, or control between John Hancock employees and First Fitness or Second Wave regarding the Hidden Camera Incident or the Internal Investigation.

**Request No. 11:** *All communications with any employee or agent of a public relations, media consulting, reputation management, or crisis management consulting firm relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 11:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 11:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock and any employee or agent of a public relations, media consulting, reputation management, or crisis management consulting firm regarding the Hidden Camera Incident or the Internal Investigation.

**Request No. 12:** *All communications with any employee or agent of any commercial tenant or occupant of any portion of the offices at 601 Congress Street, Boston, MA 02210 relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 12:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 12:** Subject to the foregoing objections, John Hancock will search for, and to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John

Hancock and any commercial tenant or occupant of any portion of 601 Congress Street relating to the Hidden Camera or the Internal Investigation.

**Request No. 13:** *All communications with any employee or officer of the Boston Police Department relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 13:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 13:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock and any employee or officer of the Boston Police Department relating to the Hidden Camera Incident or the Internal Investigation.

**Request No. 14:** *All communications with any employee or officer of the Massachusetts State Police relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 14:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already in Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 14:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John

Hancock and any employee or officer of the Massachusetts State Police relating to the Hidden Camera or the Internal Investigation.

**Request No. 15:** *All communications with any private security personnel of Manulife Financial Corporation and/or John Hancock relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 15:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 15:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock and any private security personnel of Manulife Financial Corporation relating to the Hidden Camera or the Internal Investigation.

**Request No. 16:** *All documents which show or reflect the identity of any agent or employee of John Hancock who had access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered.*

**John Hancock Response to No. 16:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Supplemental Response to No. 16:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control which show or reflect the



identity of any agent or employee of John Hancock who had access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered.

**Request No. 17:** *All logs which identify, including by name, date, and time, the people who gained access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered at any point between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 17:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Supplemental Response to No. 17:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable logs that are in its care, custody, or control which identify the people who gained access to the locked or restricted-access area where a monitor linked to the Hidden Camera Incident was discovered.

**Request No. 18:** *All documents and communications relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 18:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Supplemental Response to No. 18:** John Hancock furth objects to the extent this Request seeks information that is neither relevant to the subject matter of the pending litigation nor

reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street.

**Request No. 19:** *All communications with any agent or employee of First Fitness relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 19:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 and 10 above.

**Supplemental Response to No. 19:** John Hancock further objects to the extent this Request seeks documents that are protected by Defendants' joint defense privilege. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock employees and First Fitness regarding the Hidden Camera Incident or the Internal Investigation.

**Request No. 20:** *All communications with any agent or employee of Second Wave Fitness relating to the Hidden Camera Incident or the Internal Investigation.*

**John Hancock Response to No. 20:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 and 10 above.

**Supplemental Response to No. 20:** John Hancock further objects to the extent this Request seeks documents that are protected by Defendants' joint defense privilege. Subject to the foregoing objections, John Hancock will search for, and to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock employees and Second Wave Fitness regarding the Hidden Camera Incident or the Internal Investigation.

**Request No. 21:** *All documents related to the allegation, investigation, or discovery of the theft of laptops on or around January 2015 from the locked or restricted-access area where a monitor linked to the Hidden Camera Incident.*

**John Hancock Response to No. 21:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request.

**Supplemental Response to No. 21:** John Hancock further objects on the grounds that this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 22:** *All documents relating to the theft of any electronic and/or surveillance equipment from a locked or restricted-access area between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 22:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks "all" documents related to the subject of the Request.

**Supplemental Response to No. 22:** John Hancock furth objects on the grounds that this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control regarding the theft of any electronic and/or surveillance equipment from locked or restricted-access areas which relate to the Hidden Camera Incident.

**Request No. 23:** *All documents which show or reflect the names of all persons interviewed as part of the Internal Investigation.*

**John Hancock Response to No. 23:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Supplemental Response to No. 23:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control regarding the person interviewed as part of the Internal Investigation.

**Request No. 24:** *All documents which show or reflect the names of all persons of interest identified in the Internal Investigation.*

**John Hancock Response to No. 24:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to

the subject of the Request. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Supplemental Response to No. 24:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control regarding persons of interest identified in the Internal Investigation.

**Request No. 25:** *All documents which show or reflect the names of all suspects identified in the Internal Investigation.*

**John Hancock Response to No. 25:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 24 above. John Hancock further objects to this Request to the extent it would require John Hancock to create documents not now in existence.

**Supplemental Response to No. 25:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control regarding suspects identified in the Internal Investigation.

**Request No. 26:** *All documents and communications sent to agents or employees of John Hancock related to the discovery of the Hidden Camera Incident and the Internal Investigation.*

**John Hancock Response to No. 26:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation,

Request No. 3 above. John Hancock further objects to this Request to the extent it seeks information or documents already within Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 26:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications that are in its care, custody, or control regarding John Hancock's communications with agents or employees about the Hidden Camera Incident and the Internal Investigation.

**Request No. 27:** *All documents and communications sent to agents or employees of John Hancock Financial Services related to the discovery of any other hidden cameras at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 27:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above. John Hancock further objects to this Request to the extent it seeks information or documents already within Plaintiffs' possession, custody, or control.

**Supplemental Response to No. 27:** John Hancock further objects to the extent this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and

communications that are in its care, custody, or control relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street.

**Request No. 28:** *Any documents and communications sent to or from Dean Mini relating to the Hidden Camera incident or the Internal Investigation.*

**John Hancock Response to No. 28:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 28:** Subject to the foregoing objections, John Hancock will search for, and to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Dean Mini that are in its care, custody, or control regarding the Hidden Camera Incident or the Internal Investigation.

**Request No. 29:** *Any documents and communications sent to or from Dean Mini relating to the theft of John Hancock's electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras and monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 29:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Supplemental Response to No. 29:** John Hancock further objects on the grounds that this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent

such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Dean Mini that are in its care, custody, or control regarding the theft of any electronic and/or surveillance equipment from locked or restricted-access areas which relate to the Hidden Camera Incident.

**Request No. 30:** *Any documents and communications sent to or from Dean Mini related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 30:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above.

**Supplemental Response to No. 30:** John Hancock further objects to the extent this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for, and to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Dean Mini that are in its care, custody, or control relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street.

**Request No. 31:** *Any documents and communications sent to or from Marianne Harrison relating to the Hidden Camera incident or the Internal Investigation.*



**John Hancock Response to No. 31:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 31:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Marianne Harrison that are in its care, custody, or control regarding the Hidden Camera Incident or the Internal Investigation.

**Request No. 32:** *Any documents and communications sent to or from Marianne Harrison relating to the theft of electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras, and/or mobile surveillance camera monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 32:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Supplemental Response to No. 32:** John Hancock further objects on the grounds that this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Marianne Harrison that are in its care, custody, or control regarding the theft of any electronic and/or surveillance equipment from locked or restricted-access areas which relate to the Hidden Camera Incident.

**Request No. 33:** *Any documents and communications sent to or from Marianne Harrison related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 33:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above.

**Supplemental Response to No. 33:** John Hancock further objects to the extent this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Marianne Harrison that are in its care, custody, or control relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street.

**Request No. 34:** *Any documents and communications sent to or from Thomas Samoluk relating to the Hidden Camera incident or the Internal Investigation.*

**John Hancock Response to No. 34:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 34:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Thomas Samoluk that are in its care, custody, or control regarding the Hidden Camera Incident or the Internal Investigation.

**Request No. 35:** *Any documents and communications sent to or from Thomas Samoluk relating to the theft of electronic equipment and/or surveillance equipment, including but not limited to laptops, pinhole cameras, and mobile surveillance monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 35:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Supplemental Response to No. 35:** John Hancock further objects on the grounds that this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Thomas Samoluk that are in its care, custody, or control regarding the theft of any electronic and/or surveillance equipment from locked or restricted-access areas which relate to the Hidden Camera Incident.

**Request No. 36:** *Any documents and communications sent to or from Thomas Samoluk related to the discovery of any other hidden cameras or suspicious objects at 601 Congress Street, Boston, MA 02210, including but not limited to any cameras or suspicious objects alleged, investigated, or discovered in a fourth-floor bathroom at 601 Congress Street, Boston, MA 02210.*

**John Hancock Response to No. 36:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 18 above.

**Supplemental Response to No. 36:** John Hancock further objects to the extent this Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents and communications sent to or from Thomas Samoluk that are in its care, custody, or control relating to the allegation, investigation, or discovery of any other hidden cameras at 601 Congress Street.

**Request No. 37:** *All documents relating to the employee record of Donald Uggiano, including but not limited to any disciplinary actions taken against him.*

**John Hancock Response to No. 37:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 38:** *All communications with any employee or agent of Black Bear Pictures relating to the Hidden Camera Incident or Investigation.*

**John Hancock Response to No. 38:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 3 above.

**Supplemental Response to No. 38:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable communications that are in its care, custody, or control between John Hancock employees and any employee or agent of Black Bear Pictures relating to the Hidden Camera Incident or the Internal Investigation.

**Request No. 39:** *All documents relating to John Hancock's purchase of covert or pinhole cameras, including covert or pinhole CCD cameras, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 39:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Supplemental Response to No. 39:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-

objectionable documents that are in its care, custody, or control regarding the pinhole camera involved in the Hidden Camera Incident.

**Request No. 40:** *All documents relating to John Hancock's purchase of mobile surveillance camera monitors, including but not limited to any Speco Technologies portable color LCD test monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 40:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Supplemental Response to No. 40:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control regarding the monitor involved in the Hidden Camera Incident.

**Request No. 41:** *All documents relating to the disappearance of, misuse of, or problems locating any covert or pinhole cameras, including covert or pinhole CCD cameras, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 41:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks "all" documents related to the subject of the Request.

**Supplemental Response to No. 41:** John Hancock further objects to the extent the Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject

to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control regarding the pinhole camera involved in the Hidden Camera Incident.

**Request No. 42:** *All documents relating to the disappearance of, misuse of, or problems locating any mobile surveillance camera monitors, including but not limited to any Speco Technologies portable color LCD test monitors, between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 42:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request.

**Supplemental Response to No. 42:** John Hancock further objects to the extent the Request seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action. Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control regarding the monitor involved in the Hidden Camera Incident.

**Request No. 43:** *All documents showing the surveillance camera coverage areas and camera locations for the second floor and fourth floor of 601 Congress Street for any time between January 1, 2014 and December 31, 2019.*

**John Hancock Response to No. 43:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Supplemental Response to No. 43:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control showing the surveillance camera coverage areas and camera locations for the second floor and fourth floor of 601 Congress Street.

**Request No. 44:** *All documents relating to the termination or discipline of any employees in connection with the Hidden Camera Incident or as a result of the Internal Investigation.*

**John Hancock Response to No. 44:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects to this Request to the extent it is duplicative of other Requests herein, including, without limitation, Request No. 4 above.

**Supplemental Response to No. 44:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control relating to the termination or discipline of any employees in connection with the Hidden Camera Incident or as a result of the Internal Investigation.

**Request No. 45:** *All documents relating to the termination or discipline of any employees in connection with the theft, misuse, or misappropriation of any surveillance equipment belonging to John Hancock or at 601 Congress Street.*

**John Hancock Response to No. 45:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.



**Supplemental Response to No. 45:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control relating to the termination or discipline of any employees in connection with the Hidden Camera Incident or as a result of the Internal Investigation.

**Request No. 46:** *All documents relating to the location or locations where John Hancock stored its unused surveillance equipment, including a list of all employees who were granted or gained access thereto.*

**John Hancock Response to No. 46:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Supplemental Response to No. 46:** Subject to the foregoing objections, John Hancock will search for and, to the extent such documents exist, produce non-privileged, non-objectionable documents that are in its care, custody, or control regarding the location or locations where John Hancock stored surveillance equipment at 601 Congress.

**Request No. 47:** *All documents relating to, reflecting, or discussing the reason or reasons that John Hancock purchased or used covert or surveillance cameras, including the locations in which such cameras were used or would be used, the activities that such cameras were used or would be used to surveil, and the identities of the employees who would be involved in the authorization, deployment, maintenance, or redeployment of such cameras.*

**John Hancock Response to No. 47:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it

seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

**Request No. 48:** *All documents relating to, reflecting, or discussing the reason or reasons that John Hancock purchased or used mobile surveillance camera monitors, including the situations in which such mobile monitors were used or would be used and the identities of the employees who would be involved in the authorization, use, and maintenance of such mobile monitors.*

**John Hancock Response to No. 48:** John Hancock repeats and incorporates by reference its general objections as if fully stated herein. John Hancock also objects on the ground that this Request: (i) is overly broad and unduly burdensome, vague, and imprecise as it seeks “all” documents related to the subject of the Request; and (ii) seeks information that is neither relevant to the subject matter of the pending litigation nor reasonably calculated to lead to the discovery of admissible evidence in this action.

Dated: September 29, 2023

Respectfully submitted,

*/s/ Dana McSherry*

Mark W. Pearlstein (BBO# 542064)  
Dana M. McSherry (BBO# 664430)  
MCDERMOTT WILL & EMERY LLP  
200 Clarendon Street, Floor 58  
Boston, Massachusetts 02116-5021  
Telephone: +1 617 535 4000  
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dmcsherry@mwe.com

*Attorneys for Defendant John Hancock Life  
Insurance Company (U.S.A.)*

**RULE 9B CERTIFICATE OF SERVICE**

I, Dana M. McSherry, hereby certify that on the 29th day of September, 2023, a true copy of the above document was served upon on the attorney of record for each party by email as follows:

Michael Joseph Duran (BBO# 569234)  
Ilyas Rona (BBO# 642964)  
MILLIGAN RONA DURAN AND KING LLC  
50 Congress Street, Suite 600  
Boston, Massachusetts 02109  
Telephone: +1 617 395 9570  
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*Attorneys for Defendant First Fitness Management, LLC*

/s/ Dana McSherry

# EXHIBIT D

Message

---

**From:** John F. McCloskey [JMcCloskey@jhancock.com]  
**Sent:** 6/20/2019 7:08:56 PM  
**To:** Walsh, David [DWalsh@massport.com]  
**CC:** Lopes, Steven [SLopes@massport.com]  
**Subject:** Confidential: Contact and Next Steps

**Importance:** High  
**Sensitivity:** Company Confidential

Hi:

I can be available whenever you guys are. I usually work from home on Wednesday and Thursday but I can come in or meet you whenever works for your schedule.

The following is a summary of where we are now (I also sent this to our senior management team):

1.) We were able to locate a fingerprint card for **JH Emp # 1** from a background check performed on him in 2004. It is currently locked in our lab and will be turned over to the Mass State Police at our next meeting. Sergeant Crump of the Mass State Police has been advised that this card will be made available. Fingerprinting of the camera and monitor is ongoing.

2.) The Data Analytics team is working on the badge swipes for the 3rd and 2nd floor fan rooms as well as the gym. They hope to have some results by next week's meeting with the MSP,

3.) E-mail for **JH Emp # 1** was available in Digital Safe however, there were no productive results. **JH Emp # 2** e-mail was also reviewed with no communications with **JH Emp # 1** identified

4.) I am checking to see if **JH Emp # 1**'s last known computer is still around for forensic analysis purposes.

5.) We pulled the 601 engineers' 'on-call' schedule for 2017-2018. Based on the analysis, **JH Emp # 1** was on site at 601 on a number of weekend days when he was not on call. (NOTE: other engineers were also occasionally on site at 601 when they were not on call.) On several occasions **JH Emp # 1** was on site at 601; on weekend dates when he was NOT on call; for extended periods of time (upwards of 8 hours); and on several occasions during 2017, he did not submit this time for overtime payment (26 hours in total). Unfortunately, many of these times were prior to the cut off date for badge swipe history. Nevertheless, he was on site and did not request payment for weekend days when he was not scheduled to be there and he lives in Raynham, MA (1 hour away). Furthermore, no work orders were identified to explain why **JH Emp # 1** was on site.

6.) The cabling used to connect the camera and the monitor was not capable of transmitting sound even if the devices had sound.

7.) I interviewed **JH Emp # 2** on June 7, 2019 while the MSP was on site collecting fingerprints. **JH Emp # 2** stated that, prior to January 2019, he was responsible for the routine maintenance for floors 2-7 and **JH Emp # 1** was responsible for floors 8-14. **JH Emp # 2** would regularly find **JH Emp # 1** in the 3rd FL fan room. **JH Emp # 2** also confirmed that he had spoken to **JH Emp # 1** since his retirement date and also confirmed that **JH Emp # 1** is working at the Museum of Science as an HVAC engineer. **JH Emp # 2** provided an updated cell number for **JH Emp # 1**. I advised **JH Emp # 2** to let me know if **JH Emp # 1** calls him. On June 10, 2019 (following the news reports of the camera being found), **JH Emp # 1** called **JH Emp # 2** and asked about the investigation. **JH Emp # 2** did not report this to McCloskey as requested. McCloskey has not followed up per MSP direction. MSP intends on talking to **JH Emp # 2**.

8.) The MFC Cyber Security team ran reverse image searches on the locker room photos captured by Lead Engineer **JH Emp # 4**. No matches were identified on the Dark Web or standard internet.

9.) **JH Emp # 5** has been providing information relative to follow up questions regarding the engineers such as: work orders, on call scheduling, and notes by engineers describing the work performed on weekends.

10.) I am meeting with the MSP next week. They are presently tied up with the new casino opening this weekend and MSP exams this weekend

11.) Dean Mini has been assisting with additional badge swipe histories; work orders; and descriptions of 601 locations.

Let me know if you have any questions. See you next week.

John F. McCloskey, CFE, CFI, CAMS  
Director: Ethics and Complex Investigations  
Investigative Services  
John Hancock

E Jmccloskey@jhancock.com  
T 617-572-5463  
M 617-459-1351  
F 617-421-4134

200 Berkeley Street, B-03-20  
Boston, Massachusetts, 02116

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-----Original Message-----

From: Walsh, David <Dwalsh@massport.com>  
Sent: Thursday, June 20, 2019 12:22 PM  
To: John F. McCloskey <JMccloskey@jhancock.com>  
Cc: Lopes, Steven <SLopes@massport.com>  
Subject: Re: Contact and Next Steps  
Sensitivity: Confidential

Hi guys. John, as mentioned just now in our phone call- we should get together next week. (If everyone agrees). The new information is interesting and will be helpful. Let discuss the best approach to our person of interest. I think we are almost ready to approach him. Sgt I can explain the new info we just got. I will be in shortly

Sent from my iPhone

On Jun 10, 2019, at 1:22 PM, John F. McCloskey <JMccloskey@jhancock.com<mailto:JMccloskey@jhancock.com>> wrote:

Hi Steve:

I wanted to share my contact e-mail with you and follow up on next steps.

Charlie indicated that you may be interested in coming over to our office at some point this week to discuss data analytics and other next steps. Please let me know when and if you are available and I can set something up.

Also, if there are other items you need or want us to search for, please let me know.

Thank you.

John F. McCloskey, CFE, CFI, CAMS  
Director: Ethics and Complex Investigations Investigative Services John Hancock

E Jmccloskey@jhancock.com<mailto:Jmccloskey@jhancock.com>  
T 617-572-5463  
M 617-459-1351  
F 617-421-4134

200 Berkeley Street, B-03-20  
Boston, Massachusetts, 02116

<image001.png>

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# EXHIBIT E

Message

---

**From:** John F. McCloskey [JMcCloskey@jhancock.com]  
**Sent:** 8/12/2019 8:44:54 PM  
**To:** Walsh, David [DWalsh@massport.com]; Lopes, Steven [SLopes@massport.com]  
**CC:** Charles Ziegenbein [CZiegenbein@jhancock.com]  
**Subject:** Confidential: 601 Congress St. Talking Points  
**Attachments:** Talking Points for [REDACTED].docx

**Importance:** High  
**Sensitivity:** Company Confidential

Hello Dave and Steve:

In accordance with your request, attached please find talking points for your anticipated meeting [REDACTED].

Please advise if you have any questions.

Thank you.

**John F. McCloskey**, CFE, CFI, CAMS  
Director: Ethics and Complex Investigations

Investigative Services  
**John Hancock**

**E** [jmccloskey@jhancock.com](mailto:jmccloskey@jhancock.com)

**T** 617-572-5463

**M** 617-459-1351

**F** 617-421-4134

200 Berkeley Street, B-03-20

Boston, Massachusetts, 02116



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### Talking Points for JH Emp #1

- According to his resume, JH Emp #1 resides at [REDACTED] St., Raynham, MA, and his home phone is 508-[REDACTED]. From July 2004 to December 2018, he was Assistant Building Engineer at John Hancock, 601 Congress St., Boston MA. His self-described duties included: critical repair for all equipment types and systems of the building and infrastructure. General duties included general building maintenance such as day/night operations, HVAC equipment maintenance, plumbing, and electrical/mechanical maintenance. His “on-call” responsibilities were to respond to emergency calls.
- From June 2003 until July 2004, he was Control Room Operator at 200 Clarendon St. Boston, MA (John Hancock Back Bay location). From January 1995 to June 2003, he was a HVAC Mechanic at John Hancock, 200 Clarendon St., Boston, MA.
- Based on an interview by John McCloskey with John Hancock associate JH Emp #2 [REDACTED] on June 7, 2019, prior to January 2019, JH Emp #2 was responsible for routine maintenance at 601 Congress St., Boston, MA for floors 2-7. JH Emp #1 was responsible for floors 8-14. JH Emp #2 would regularly find JH Emp #1 in the 3rd FL fan room.
- JH Emp #2 also confirmed that he had spoken to JH Emp #1 since his retirement from John Hancock. JH Emp #2 learned from JH Emp #1 that JH Emp #1 is presently working at the Museum of Science as an HVAC engineer. (On or about June 10, 2019, JH Emp #1 called JH Emp #2 and asked about the ongoing investigation of a hidden camera found in the women’s locker room at 601 Congress).
- From 4/15/17-12/31/18, JH Emp #1 accessed the 3<sup>rd</sup> FL Fan Room 152 times. All of these visits to the 3<sup>rd</sup> FL Fan Room were during regular hours of operation of the 601 Congress St. gym (see above point where JH Emp #1 was not responsible for that floor).
- From April-October, 2017, JH Emp #1 reported that he worked 17 hours of overtime; however, he did not submit for overtime payment (time and ½) for these hours. These hours included 4 hours on 4/13/17 and 8 hours on 4/14/17. Moreover, he was not the on-call engineer during any of the 17 hours.

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On Call	Day	Time Block	Worker	Reported Da	Status
JH Emp #3	Friday	4 Hours on 04/13/2017	JH Emp #1 (Terminated) (45150)	4/13/2017	Not Submitted
JH Emp #3	Saturday	8 Hours on 04/14/2017	JH Emp #1 (Terminated) (45150)	4/14/2017	Not Submitted
JH Emp #4	Saturday	4 Hours on 06/16/2017	JH Emp #1 (Terminated) (45150)	6/16/2017	Not Submitted
JH Emp #4	Friday	1 Hours on 10/12/2017	JH Emp #1 (Terminated) (45150)	10/12/2017	Not Submitted

- Also from April-October, 2017, JH Emp #1 reported 9 hours of overtime when he was the on-call engineer yet did not submit for overtime payment for these hours either.

On Call	Day	Time Block	Worker	Reported Da	Status
JH Emp #1	Tuesday	1 Hours on 04/10/2017	JH Emp #1 (Terminated) (45150)	4/10/2017	Not Submitted
JH Emp #1	Wednesday	1 Hours on 04/11/2017	JH Emp #1 (Terminated) (45150)	4/11/2017	Not Submitted
JH Emp #1	Thursday	1 Hours on 04/12/2017	JH Emp #1 (Terminated) (45150)	4/12/2017	Not Submitted
JH Emp #1	Saturday	4 Hours on 09/15/2017	JH Emp #1 (Terminated) (45150)	9/15/2017	Not Submitted
JH Emp #1	Wednesday	1 Hours on 10/10/2017	JH Emp #1 (Terminated) (45150)	10/10/2017	Not Submitted
JH Emp #1	Thursday	1 Hours on 10/11/2017	JH Emp #1 (Terminated) (45150)	10/11/2017	Not Submitted

- For all of the above 26 overtime hours and dates (previous two bullets), there were no emergency, general, or electrical work orders indicated in the system either assigned to or completed by JH Emp #1.
- JH Emp #1 did report, submit and was approved for 133 hours of overtime during 2017-2018.
- Other building engineers submitted for the following overtime hours during the same time frame:
  - JH Emp #2 – 756
  - JH Emp #4 – 411
  - JH Emp #3 – 141
  - JH Emp #1 was accused by his co-workers of being a lazy worker so why would he travel into Boston from his home in Raynham (70 miles round trip) and not submit for the time? The other engineers worked the bulk of the overtime hours and were approved for payment.
- Between August 2017-October 2018, JH Emp #1 entered the 601 Congress St. gym on 25 occasions during non-business hours including 6 times on 08/26/17 (a Saturday).

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Although JH Emp #1 submitted and was approved for 3.5 hours of overtime on that date, no work orders were identified for that time frame.

- On April 3, 2018, a large stack of pornographic magazines were discovered inside the West Mezzanine Fan Room.

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AT&T LTE

11:14 AM

25% 



Boston

Edit

April 3, 2018 8:19 AM



# Global Investigative & Forensic Services

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- On June 29, 2004, **JH Emp #1** was fingerprinted for background purposes. The fingerprint card was supplied to John Hancock Investigative Services.



<p><b>Portable CCTV Installation &amp; Testing Monitor</b></p> <p><b>VMS2</b></p> <p><b>Features</b></p> <ul style="list-style-type: none"><li>LCD display easily allows for checking the video signal of the CCTV camera being tested</li><li>An audio jack tests the audio signal</li><li>Built-in rechargeable battery has a life of 4 hours</li><li>An LED light displays low battery level</li><li>Visor blocks out sun glare on the LCD display</li><li>The heavy duty casing, durable handle and shoulder belt (included) make this unit conveniently portable</li><li>1 year warranty</li></ul>	
---	--

**Specifications**

Resolution	480 x 234
Brightness	350cd
Input Video Signal	1.0Vp-p (sync., negative) termination 75 Ohm
LCD Technology	TFT active matrix
Display Size	4"
Contrast Ratio	250:1
View Angle	L/R ±45° U/D: 10°/30°
Audio Input	30 mVp-p – 100 mVp-p
Audio Output	0.5W max
Charging Time	8 hours charging time, 4 hours operating time
Video/Audio Connector	RCA W/BNC plug adapter
Power Consumption	4.5W
Rechargeable Battery	12V.1.1AH
Power Supply	12VDC (power supply included)
Dimensions	6" (W) x 5.1" (H) x 3" (D)
Weight	4.3 lbs.
Extra battery available	BVMS2



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We reserve the right to modify product design and specifications without notice  
and without incurring any obligation.  
Spec Rev. 10/7/11

800-645-5516 • Fax: 631-957-9142 or 631-957-3880 • [specotech.com](http://specotech.com)

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Monitor discovered inside 3<sup>rd</sup> FL Fan Room



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6



601 Congress St. Women's Locker Room in Fitness Center



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7



Coax Cable inside 3<sup>rd</sup> FL Fan Room



**CONFIDENTIAL**





Women's Locker Room, Location of Camera



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Camera and Monitor



Model: CM1902

NTSC 420TVL 1/3" COD 37mm DO12v

SN: 838110926x0070

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10

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# EXHIBIT F

Message

---

**From:** John F. McCloskey [JMcCloskey@jhancock.com]  
**Sent:** 8/22/2019 2:42:50 PM  
**To:** Walsh, David [DWalsh@massport.com]  
**Subject:** Re: Confidential: 601 Congress St. Talking Points

**Sensitivity:** Company Confidential

Hi Dave:

I am working from home today and left your number in the office. Don't know why I don't have you on speed dial already (LOL). Can you please give me a buzz on my cell phone whenever you have a minute?

(617) 459-1351

Thank you.

---

**From:** Walsh, David <DWalsh@massport.com>  
**Sent:** Thursday, August 22, 2019 6:52 AM  
**To:** John F. McCloskey <JMcCloskey@jhancock.com>  
**Subject:** Re: Confidential: 601 Congress St. Talking Points

Never a bother! Give me a call when you can

Sent from my iPhone

> On Aug 21, 2019, at 6:19 PM, John F. McCloskey <JMcCloskey@jhancock.com> wrote:

>

> I don't want to bother you. I know you're busy. Any updates are greatly appreciated.

>

> John F. McCloskey, CFE, CFI, CAMS

> Director: Ethics and Complex Investigations

> (617) 459-1351

>

>> On Aug 20, 2019, at 9:14 AM, Walsh, David <DWalsh@massport.com> wrote:

>>

>> On our way to the museum. I will update you when done

>>

>> Sent from my iPhone

>>

>>> On Aug 12, 2019, at 4:46 PM, John F. McCloskey <JMcCloskey@jhancock.com> wrote:

>>>

>>> Hello Dave and Steve:

>>>

>>> In accordance with your request, attached please find talking points for your anticipated meeting with **JH Emp # 1**.

>>>

>>> Please advise if you have any questions.

>>>

>>> Thank you.

>>>

>>>

>>>

>>>

>>> John F. McCloskey, CFE, CFI, CAMS

>>> Director: Ethics and Complex Investigations

>>> Investigative Services

>>> John Hancock

>>>

>>> E Jmccloskey@jhancock.com<mailto:Jmccloskey@jhancock.com>

>>> T 617-572-5463

>>> M 617-459-1351

>>> F 617-421-4134

>>>

>>> 200 Berkeley Street, B-03-20

>>> Boston, Massachusetts, 02116

>>>

>>> [cid:image004.png@01D47B6A.2D8BE640]

>>> We operate as John Hancock in the US and Manulife in other parts of the world.

>>>

>>>

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>>> <image001.png>

>>> <Talking Points for **JH Emp # 1**.docx>

>

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