

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

**PLAINTIFFS' MOTION TO COMPEL DEFENDANT JOHN HANCOCK
LIFE INSURANCE CO. (U.S.A.) TO PRODUCE DOCUMENTS**

Plaintiffs Jane Doe 1 and Jane Doe 2 hereby move, pursuant to Mass. R. Civ. P. 37, to compel Defendant John Hancock Life Insurance Company (U.S.A.) ("John Hancock") to produce documents responsive to the Plaintiff's First Request for Production of Documents, which was served a year and 5 months ago, on June 21, 2022. John Hancock was previously granted a stay of discovery while its motion to dismiss was pending. The stay expired on July 21, 2023, when this Court denied John Hancock's motion to dismiss.

In support hereof, the Plaintiffs incorporate by reference their Memorandum in support, the Affidavit of Michael J. Duran, the Plaintiffs' Document Requests, John Hancock's Responses, and other supporting materials filed herewith.

WHEREFORE, and for the reasons stated herein and the accompanying Memorandum, Plaintiff respectfully requests that this Court order John Hancock to immediately produce responsive materials in their possession, custody, or control.

Respectfully submitted,

JANE DOE 1 AND JANE DOE 2

By their attorneys,

Dated: November 28, 2023

/s/ Michael J. Duran

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SUPERIOR COURT RULE 9C CERTIFICATE

On September 11, 2023 at 3:30 PM, I and Attorney Ilyas J. Rona conferred via Zoom conference with Attorney Dana McSherry, counsel for John Hancock, regarding the relief requested in the instant motion in a good faith effort to narrow the areas of disagreement to the fullest extent.

Dated: November 28, 2023

/s/ Michael J. Duran

Michael J. Duran

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)*)
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Dated: November 28, 2023

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