

Alicia A. McNeil
City Solicitor



Zaheer A. Samee
Assistant City Solicitor

Christopher Mooney
Assistant City Solicitor

Prasanna Rajasekaran
Assistant City Solicitor

Mark E. Rumley
Special Counsel

SENT VIA EMAIL: info@opencommonwealth.org

February 24, 2026

Bruce Friedman
8 Marvin Street
Malden, MA 02148

Re: Open Meeting Law Complaint from February 5, 2026

Dear Mr. Friedman,

On February 5, 2026, you filed an Open Meeting Law complaint with the Malden City Council. Your complaint alleges that City Council “refuses to release executive session meeting minutes without redactions where they posses[s] no legal justification to continue to withhold and/or redact them.” Exhibit 1, Open Meeting Law Complaint. Specifically, you request release of “[a]ll records from the preparation of, the execution of, and deliberations and discussions in open and executive sessions . . . for the requested dates, September 30, 2025 and January 20, 2026.” Id.

Upon investigating your complaint, we find that no Open Meeting Law violation occurred.

Facts

On September 30, 2025, the City Council voted to go into Executive Session with legal counsel “regarding the matter of Tufts Construction, Inc. v. The City of Malden,” pursuant to G. L. c. 30A, § 21(a)(3), “to discuss strategy with respect to litigation, where such discussion in open meeting may have a detrimental effect on the litigation position of the City.” See Exhibit 2, September 30 City Council Meeting Minutes, at 3.

On January 20, 2026, the City Council voted to go into Executive Session with legal counsel again regarding the Tufts matter, this time “for an update on recent developments regarding a tentative resolution to the civil action.” Exhibit 3, January 20 City Council Meeting Minutes, at 1. Council President Linehan “declared that discussions in open session on the suit between Tufts Construction, Inc. and City of Malden may have a detrimental effect on the litigation position of the city.” Id. at 2.

The same day, you sent an email to the City Clerk and City Council President requesting, under the Open Meeting Law, G. L. c. 30A, § 22, any notes, recordings, minutes, documents, or exhibits from the regular and executive sessions from the January 20th meeting. Exhibit 1, 6-7.

The City Clerk responded by email on January 27, 2026, providing meeting minutes and a recording of the open session and stating there were no other documents or exhibits used in the open session. Exhibit 1, 7.

However, the Clerk did not provide minutes from the executive session pertaining to the Tufts lawsuit. She stated, “Despite both sides of the case having agreed provisionally to a settlement, this case has not yet been completely resolved and closed with the court, therefore the ES minutes have not been released for public review.” She further stated, “Under the provisions of MGL c. 30A, s. 22(g)(2) the Council will have to meet to perform a review of these records to fulfill your request.”

On February 5, 2026, the City Clerk sent a further response to your request for Executive Session minutes. Exhibit 1, 6. The Clerk stated that, during an Executive Session on February 3, 2026, the City Council voted to release the January 20, 2026 minutes “upon the court’s acceptance of the settlement agreement between Tufts Construction and City of Malden.” Id. The minutes would be released “as redacted, due to the determination that unredacted minutes would defeat the lawful purpose of M.G.L. c. 30A, s. 22(f).” Id. The Clerk further stated that “[t]he City anticipates the date of the court’s acceptance to be on or about February 19.” Id.

On February 5th, you filed this Open Meeting Law Complaint against the City Council, alleging that your requests “were denied despite the fact that the underlying case was settled on the record (attached court records) and that the counsel for the City Council discussed these executive sessions in public at the city council meeting of January 27, 2026 in open session.” Id. at 3.

On February 19th, the deadline for filing an Agreement of Judgment or Stipulation of Dismissal in the Tufts v. City of Malden matter was extended by 11 days until March 2, 2026. Exhibit 4, Endorsement on Joint Motion to Extend Nisi Period.

Analysis

The Open Meeting Law allows public bodies to “meet in executive session . . . [t]o discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” G. L. c. 30A, § 21(a)(3).

Public bodies must also “maintain accurate minutes of all meetings, including executive sessions.” Id. at § 22(a). These minutes “may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer.” Id. at § 22(f). However, executive session minutes “shall be disclosed . . . [w]hen the purpose for which a valid executive session was held has been served.” Id.¹

Here, you allege that the City Council violated the Open Meeting Law in failing to produce the Executive Session meeting minutes from September 30th and January 20th. As grounds, you state that publication of the minutes would not defeat the purpose of the executive sessions because (1) the underlying case was settled on the record and (2) City Council discussed the executive sessions on the record during the January 27th open session. These arguments, and related issues not raised by your complaint, are analyzed below.

I. Executive Session was Justified at the September 30 and January 20 Meetings

¹ General Laws chapter 4, Section 7, clause 26 defines “public records” and their exemptions; one exemption is for materials that are “specifically or by necessary implication exempted from disclosure by statute.”

While not directly raised by your complaint, we first address whether City Council had a proper justification for entering Executive Session on September 30th and January 20th. For both sessions, the City's justification was "[t]o discuss strategy with respect to collective bargaining or litigation" where "an open meeting may have a detrimental effect on [the City's] bargaining or litigating position." See G. L. c. 30A, § 21(a)(3).

That justification was proper because, on both dates, the City was in active litigation regarding the Tufts matter. As of September 30, 2025, the case was ongoing after a mistrial, a new trial was to be scheduled, and no settlement had been reached. As of January 20, 2026, although the City had agreed to a settlement in principle, the case remained open and would only receive a final judgment or dismissal upon the parties filing an Agreement of Judgment or Stipulation of Dismissal. See Exhibit 1, 8. In both situations, open discussion of the City's bargaining or litigating position could have jeopardized its pursuit of a favorable settlement. See OML 2021-25, *Stockbridge Select Board* ("We find that the executive session discussions were appropriate under Purpose 3 because they related to pending litigation and a settlement agreement that was a proposed resolution to that litigation").

II. Releasing Minutes May Defeat the Purpose of the Executive Sessions

Next, we consider whether publication of minutes may defeat the lawful purpose of the September 30th and January 20th Executive Sessions. See G. L. c. 30A, § 22(f).

You first contend that City Council discussed the settlement during open session on January 27, 2026, obviating the need to withhold prior Executive Session minutes. However, the open session discussion was limited, and other topics discussed at the September 30th and January 20th meetings were not addressed in open session. Moreover, the January 27th discussion did not warrant release of minutes because the case remained open. See OML 2020-108, *Nahant Board of Selectmen* ("a public body has a litigating position to protect if there is pending litigation in which the public body has a litigating position").

You also contend that withholding these minutes is no longer justified because the underlying case was settled. While it's true the City "had agreed upon all material terms of a binding settlement" as of January 20th, the case had not received a final judgment or dismissal; instead, the Court entered a Nisi Order requiring the parties "to file an Agreement of Judgment or Stipulation of Dismissal in the Clerk's office no later than February 19, 2026." Exhibit 1, 8. Only upon such filing would the Court "enter a Judgment dismissing the action, and al[l] claims thereof." Id. After your complaint was filed, the Court extended the Nisi period to March 2, 2026. See Exhibit 4.

Therefore, while the settlement was agreed to in principle, it has not been finalized and the Tufts case remains open on the Court's docket. The parties continue to prepare the Settlement Agreement. In this respect, the City's litigating position is no different than it was on January 20th. Until an Agreement of Judgment or Stipulation of Dismissal is filed by the parties and the Court enters a final judgment or dismissal, releasing the minutes "may defeat" the purpose of the September 30th and January 20th and Executive Sessions. See G. L. c. 30A, § 22(f); OML 2024-250, *Northfield Board of Selectmen* ("We have found that litigation remained active after a settlement agreement was reached but prior to the dismissal of the case because the settlement agreement specified that the matter would not be dismissed until after final payment under the agreement was made").

Despite finding no Open Meeting Law violation, we emphasize that the City Council has voted to release the January 20th Executive Session minutes once the Tufts matter is closed, subject to necessary

redactions. The City Council will continue to diligently review Executive Session minutes pertaining to the Tufts matter and release minutes that do not jeopardize the City's litigating position. See OML 2022-90, *Halifax Board of Selectmen* ("When the purpose for a valid executive session has been served, the minutes and any documents or exhibits used at the session must be disclosed unless the attorney-client privilege or an exemption to the Public Records Law applies to withhold them, in whole or in part, from disclosure").

Conclusion

For the reasons stated, the City Council's decision not to release Executive Session minutes from September 30th, 2025, and January 20th, 2026, meetings abide by the Open Meeting Law.

Prasanna Rajasekaran

Prasanna Rajasekaran
Assistant City Solicitor
215 Pleasant Street, Suite 420
Malden, MA 02148
prajasekaran@cityofmalden.org
Phone: 781-397-7106

cc: Attorney General's Office (openmeeting@state.ma.us)
Honorable Malden City Council
Alicia A. McNeil, City Solicitor

EXHIBIT 1



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Ext. _____

Email: _____

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/
town, county or region, if applicable): _____

Specific person(s), if any, you allege
committed the violation: _____

Date of alleged violation: _____

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

*For Use By Public Body
Date Received by Public Body:*

*For Use By AGO
Date Received by AGO:*

Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Date: Thursday, February 5, 2026 at 1:23:48 PM Eastern Standard Time
From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
To: Commonwealth Transparency <info@opencommonwealth.org>
CC: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>, Alicia McNeil <amcneil@CITYOFMALDEN.ORG>

Good day,

Please accept this email as response to your request for executive session minutes from September 30, 2025.

During the meeting of February 3, 2026, the Council unanimously voted to enter into Executive Session with legal counsel for the City, in accordance with Exemption Seven Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those Executive Session minutes listed herein; Council vote is required prior to release of the Executive Session minutes of the following dates:

January 20, 2026, Paper 39-26

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, to release the January 20, 2026 minutes as redacted, due to the determination that unredacted minutes would defeat the lawful purpose of M.G.L. c. 30A, s. 22(f), upon the court's acceptance of the settlement agreement between Tufts Construction and City of Malden. The motion passed by a unanimous roll call vote.

The City anticipates the date of the court's acceptance to be on or about February 19. The released minutes will be available at the following link: <https://cityofmalden.legistar.com/Legislation.aspx> using the legislation tab to search for Paper 39-26.

Thank you,
Carol Ann

From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Sent: Tuesday, January 27, 2026 2:26 PM
To: Commonwealth Transparency <info@opencommonwealth.org>
Cc: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>; Alicia McNeil <amcneil@CITYOFMALDEN.ORG>
Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A

Good afternoon,

Please accept this email as acknowledgement and response to your request for minutes from the regular and executive session of the City Council on the evening of January 20, 2026.

The video recording of the open session may be found at [Agenda Center • Malden, MA • CivicEngage](#). The meeting minutes are attached to this email for your review. These minutes have not yet been posted to the website as they are still in draft form. I anticipate the Council approving these at this evening's meeting. After approval, the final minutes will also be posted in Agenda Center. There are no other materials, documents, or exhibits used in this session.

Executive Session minutes from January 20 are regarding the Tufts Construction, Inc lawsuit. Despite both sides of the case having agreed provisionally to a settlement, this case has not yet been completely resolved and closed with the court, therefore the ES minutes have not been released for public review.

Under the provisions of MGL c. 30A s. 22(g)(2) the Council will have to meet to perform a review of these records to fulfill your request. I am currently in the process of scheduling such a meeting.

Thank you,
Carol Ann

From: Commonwealth Transparency <info@opencommonwealth.org>
Sent: Tuesday, January 20, 2026 8:30 PM
To: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>; Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Subject: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Importance: High

Greetings:

Under the Massachusetts Open Meeting Law (M.G.L. c. 30A, § 22), and under the Massachusetts Public Records Law (M.G.L. c. 66 §§ 10 -10A) OpenCommonwealth.org is hereby formally requesting ANY teams/zoom or other audio and visual recordings of the meeting(s) and the draft and final minutes of the meeting(s), any notes, recordings or other materials used

in the preparation of such minutes and all documents and exhibits used at the sessions, for the following meetings and dates:

Date	Public Body/Meeting	Meeting Minutes Requested
January 20, 2026	City of Malden City Council Emergency Meeting	Regular and Executive Sessions

For committee and executive sessions; All meeting notices, video of, transcripts from, and meeting minutes from the meetings themselves and all documents and other exhibits, photographs, recordings or maps, and votes taken by and/or used by the body any other part of the official record of the session(s). For any redactions, please cite the specific ongoing reason for continued redactions. For unsigned minutes, please state the reason for the minutes being unsigned and unattested to.

OpenCommonwealth reminds the Committee that under M.G.L. c. 30A, § 22 the public body must provide a response within 10 calendar days.

OpenCommonwealth reminds the committee of the attached determinations of the Division of Open Government and the Supervisor of Public Records regarding redactions and is specifically seeking the responsive records which comply with these determinations.

This request seeks all documents regardless of form, whether draft or approved/final, as specifically seeks all draft, and approved minutes.

Please provide all of the documents electronically, directly to the following email address: info@opencommonwealth.org

This request and all responsive documents are for express purposes of gathering information to promote citizen oversight and further the public understanding of the operation and activities of the City of Malden.

Kindest Regards,

OpenCommonwealth.org

OpenCommonwealth.org is a free and open public media organization. We serve the greater Massachusetts community with the goal to provide and empower citizen oversight of governmental operations and activities, help citizens understand how, why and where taxpayer dollars are expended, and to investigate, gather and report the facts in the online publications found on the webpages and social media accounts of OpenCommonwealth.org. OpenCommonwealth.org is a free service, is staffed only by volunteers, and all costs and expenses are borne by its creators. No person has ever paid OpenCommonwealth.org any monies, or any in-kind contributions for its reporting, or access to any of its files. It is the structural intent of OpenCommonwealth.org to maintain and persist as an absolutely free service to the entire public. Since its inception, OpenCommonwealth.org has been viewed by over 130,000 visitors between the website and social media, and has had over 20,000 external visitors view and/or download records from our free and publicly available records repository. Currently OpenCommonwealth.org has over a 1.5 Terabytes of publicly available content published. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you. Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
Civil No. 2181CV01248

PETER TUFTS and TUFTS CONSTRUCTION, INC.

v.

CITY OF MALDEN and YEM LIP

ORDER FOR ENTRY OF DISMISSAL NISI

The above-captioned action came before the Court for the first day of trial and was thereupon reported to be resolved, counsel of record informing the Assistant Clerk that the parties had agreed upon all material terms of a binding settlement. Accordingly, the parties are directed to file an Agreement for Judgment or Stipulation of Dismissal in the Clerk's Office no later than February 19, 2026.

If no Agreement for Judgment or Stipulation of Dismissal is filed by said date, the Clerk is hereby directed to prepare, sign and enter a Judgment dismissing the action, and all claims thereof and related thereto, without prejudice and without statutory costs.

The Court may, in its discretion, enlarge the nisi period. Barring unusual circumstances beyond the control of the parties, however, this case will not be returned to the active trial list. Failing the timely filing of an Agreement for Judgment or Stipulation of Dismissal, the parties are free to enforce their settlement agreement either in this Court by way of motion during the *nisi* period, or in a separately filed action for breach of contract.

SO ORDERED.

Dated: January 20, 2026



Michael J. Pineault
Associate Justice of the Superior Court

Volume I of I
Pages: 1-7
Exhibits: None

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT

PETER TUFTS, ET. AL.

*

DOCKET NO.

*

2181CV01248

*

v.

*

*

CITY OF MALDEN, ET. AL.

*

*

SETTLEMENT HEARING

BEFORE THE HONORABLE MICHAEL J. PINEAULT

APPEARANCES:

For the Plaintiffs, Peter Tufts & Tufts Construction, Inc.:

Law Office of Stephen J. Kuzma
210 Union Wharf
Boston, MA 02109
By: Stephen J. Kuzma, Esq.

Law offices of Russo & Minchoff
210 Union Wharf
Boston, MA 02109
By: India Lanni Minchoff, Esq.

For Defendant, City of Malden:

For City of Malden & Yem Lip:

KP Law, P.C.
101 Arch Street
Boston, MA 02110
By: Jeffrey T. Blake, Esq.

Zaheer Samee, Esq.
210 Pleasant Street, Ste 4200
Malden, MA 02148

Tuesday, January 20, 2026

Courtroom 520

Woburn, MA

SUSAN M. LOBIE, CET
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P R O C E E D I N G S

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2
3 (Court in session at 9:26 a.m.)
4

5 THE CLERK: We're on the record, and for the
6 record, this case called for trial, Middlesex Superior
7 Court Civil Action Number 2021-1248, Peter Tufts, Tufts
8 Construction, Incorporated, Plaintiff v. the City of
9 Malden and Yem Lip, Defendants.

10 Counsel, would you identify yourselves for the
11 Court and the record, please?

12 MR. KUZMA: Good morning, Your Honor.

13 Stephen Kuzma for Tufts Construction, Incorporated.

14 MS. MINCHOFF: Good morning, Judge.

15 India Minchhoff, also on behalf of plaintiffs.

16 MR. SAMEE: Good morning, Your Honor.

17 Zaheer Samee for the defendants.

18 MR. BLAKE: Good morning, Your Honor.

19 Jeff Blake for the defendants.

20 THE COURT: Okay. Good morning, everyone.
21

22 SETTLEMENT HEARING
23

24 THE COURT: So, we were here to impanel. I'm told
25 you've all reached a resolution, am I right?

1 MR. KUZMA: We have, Your Honor.

2 MS. MINCHOFF: Yes.

3 THE COURT: Okay. So, what we're going to do is,
4 I will issue a NISI order. How much time do you need
5 to document whatever you need to document and get a
6 Stipulation of Dismissal or an Agreement for Judgment
7 on the file?

8 MS. MINCHOFF: Thirty days.

9 THE COURT: Thirty days? Okay. That takes us
10 to February 19th. So, what I'll do is, I use a pretty
11 standard order, I think it -- well, let me ask counsel.

12 Have both sides -- well, all sides, I guess,
13 reached agreement on all of the material terms of a
14 settlement?

15 MR. KUZMA: We have, Your Honor, and pursuant
16 to emails that were agreed to yesterday, as well as
17 an email this morning, we have.

18 THE COURT: Okay. So, you have emails to document
19 the agreement on the material terms.

20 Counsel for the defendants agree?

21 MR. BLAKE: I believe that's correct, Your Honor.

22 THE COURT: Okay. And this will resolve all
23 claims, all parties, case will be done, yes?

24 MS. MINCHOFF: Yes.

25 MR. KUZMA: That's the intent.

1 THE COURT: Well, we're past intent. I'm looking
2 for confirmation --

3 MR. KUZMA: Yes.

4 THE COURT: -- that you've reached agreement, yes?

5 MR. KUZMA: Yes.

6 THE COURT: Okay. All right. So, my order will
7 specify that if we don't reach -- if we don't receive
8 an Agreement for Judgment or a Stipulation of Dismissal
9 by February 19th, the Clerk is going to go ahead and
10 enter judgment dismissing the case, unless you've
11 requested an extension and I've granted it, okay,
12 just so you know.

13 And barring incredibly unusual circumstances
14 beyond your control, which is a high bar to clear,
15 we're not going to be returning this case to the
16 active trial list. So, I'm treating this matter as
17 settled, a NISI order will issue.

18 I appreciate your efforts over the weekend.
19 I think this was a case that could and should be
20 settled, so I'm glad that you've achieved that.
21 Thank you.

22 Anything else to take up while you're all here?

23 MS. MINCHOFF: No, Judge.

24 THE COURT: No?

25 MR. KUZMA: No, thank you, Your Honor.

1 MS. MINCHOFF: Thank you.

2 THE COURT: Okay. All right, thank you, counsel.

3 MR. BLAKE: Thank you, Judge.

4 (Hearing Concluded at 2:36 p.m.)

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C E R T I F I C A T E

I, Susan M. Lobie, Certified Electronic Transcriptionist and Notary Public for the Commonwealth of Massachusetts, and a Court Approved Transcriptionist for Office Solutions Plus do hereby certify that the foregoing is a true and accurate transcript prepared to the best of my ability, from audio recordings of a Sentencing Hearing held on Tuesday, February 11, 2020, in the matter of in the matter of Peter Tufts, et. al. v. City of Malden, et. al., Docket No. 2181CV01248, before the Honorable Michael J. Pineault.

I, Susan M. Lobie, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Susan M. Lobie, further certify that I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.

Proceedings recorded by electronic sound recording equipment. Transcript produced from computer.



DATE: January 29, 2026

Susan M. Lobie, President
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Notary Public, Commonwealth of Massachusetts
My Commission Expires March 3, 2028



The Commonwealth of Massachusetts
OFFICE OF COURT MANAGEMENT, Transcription Services

AUDIO ASSESSMENT FORM

For court transcribers: Complete this assessment form for each volume of transcript produced, and include it at the back of very original and copy transcript with the certificate page, word index, and CD PDF transcript.

TODAY'S DATE: 12/8/2025 TRANSCRIBER NAME: Susan M. Lobie

CASE NAME: Peter Tufts v. City of Malden DOCKET NO: 2181CV01248

RECORDING DATE 7/30/2025 TRANSCRIPT INTERVIEW: 2 OF 6

(circle one) TYPE: (CD) TAPE QUALITY: EXCELLENT (GOOD) FAIR POOR

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background noise time stamp: _____

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low audio at sidebar _____

simultaneous speech _____

speaking away from microphone _____

other: _____ time stamp: _____

COMMENTS: For the most part, the audio for this transcript was fine for the Court and the witness, but when counsel was speaking, she must not have been near a working microphone because she was always difficult to hear, so hopefully, everything was properly transcribed.

PETER FUTS, ET. AL. V. CITY OF MALDEN, ET. AL.
DOCKET NO. 2181CV01248
SETTLEMENT HEARING - 1/20/2026

<p style="text-align: center;">1</p> <hr/> <p>19th [2] 4:10 5:9</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:36 [1] 6:4 2021-1248 [1] 3:5</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:26 [1] 3:2</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m [1] 3:2 achieved [1] 5:20 action [1] 3:5 active [1] 5:16 agree [1] 4:20 agreed [1] 4:16 agreement [5] 4:6,13,19 5:4,8 ahead [1] 5:9 appreciate [1] 5:18</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bar [1] 5:14 barring [1] 5:13 behalf [1] 3:13 believe [1] 4:21 beyond [1] 5:14 blake [4] 3:16,17 4:21 6:3 both [1] 4:12</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>called [1] 3:4 case [5] 3:4 4:23 5:10,15, 19 circumstances [1] 5:13 city [1] 3:6 civil [1] 3:5 claims [1] 4:23 clear [1] 5:14 clerk [2] 3:3 5:9 concluded [1] 6:4 confirmation [1] 5:2 construction [2] 3:6,11 control [1] 5:14</p>	<p>correct [1] 4:21 counsel [4] 3:8 4:11,20 6: 2 court [14] 3:2,5,9,18,20 4:3, 9,18,22 5:1,4,6,24 6:2</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>days [2] 4:8,9 defendants [4] 3:7,15,17 4:20 dismissal [2] 4:6 5:8 dismissing [1] 5:10 document [3] 4:5,5,18 done [1] 4:23</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>efforts [1] 5:18 email [1] 4:17 emails [2] 4:16,18 enter [1] 5:10 everyone [1] 3:18 extension [1] 5:11</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>february [2] 4:10 5:9 file [1] 4:7</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>glad [1] 5:20 granted [1] 5:11 guess [1] 4:12</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hearing [2] 3:19 6:4 high [1] 5:14 honor [7] 3:10,14,16 4:1, 15,21 5:25</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identify [1] 3:8 impanel [1] 3:20 incorporated [2] 3:6,11 incredibly [1] 5:13 india [1] 3:13 intent [2] 4:25 5:1 issue [2] 4:4 5:17</p>	<p style="text-align: center;">J</p> <hr/> <p>jeff [1] 3:17 judge [3] 3:12 5:23 6:3 judgment [3] 4:6 5:8,10</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>kuzma [8] 3:10,11 4:1,15, 25 5:3,5,25</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lip [1] 3:7 list [1] 5:16 looking [1] 5:1</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>malden [1] 3:7 material [2] 4:13,19 matter [1] 5:16 middlesex [1] 3:4 minchoff [7] 3:12,13 4:2,8, 24 5:23 6:1 morning [6] 3:10,12,14,16, 18 4:17 ms [6] 3:12 4:2,8,24 5:23 6: 1 much [1] 4:4</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>need [2] 4:4,5 nisi [2] 4:4 5:17 number [1] 3:5</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>okay [8] 3:18 4:3,9,18,22 5: 6,11 6:2 order [4] 4:4,11 5:6,17 over [1] 5:18</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m [1] 6:4 parties [1] 4:23 past [1] 5:1 peter [1] 3:5 plaintiff [1] 3:6 plaintiffs [1] 3:13 please [1] 3:9</p>	<p>pretty [1] 4:10 pursuant [1] 4:15</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>reach [1] 5:7 reached [3] 3:21 4:13 5:4 receive [1] 5:7 record [3] 3:3,4,9 requested [1] 5:11 resolution [1] 3:21 resolve [1] 4:22 returning [1] 5:15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>samee [2] 3:14,15 session [1] 3:2 settled [2] 5:17,20 settlement [2] 3:19 4:14 sides [2] 4:12,12 specify [1] 5:7 standard [1] 4:11 stephen [1] 3:11 stipulation [2] 4:6 5:8 superior [1] 3:4</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>terms [2] 4:13,19 thirty [2] 4:8,9 treating [1] 5:16 trial [2] 3:4 5:16 tufts [3] 3:5,5,11</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unless [1] 5:10 unusual [1] 5:13 up [1] 5:22</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>weekend [1] 5:18 whatever [1] 4:5 will [5] 4:4,22,23 5:6,17</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yem [1] 3:7 yesterday [1] 4:16 yourselves [1] 3:8</p>
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PETER FUTS, ET. AL. V. CITY OF MALDEN, ET. AL.

DOCKET NO. 2181CV01248

SETTLEMENT HEARING - 1/20/2026

Z

zaheer [1] 3:15

SUSAN M. LOBIE, CET

15 Marion Road, Salem, MA 01970

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Sheet 2

EXHIBIT 2



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Council President Amanda Linehan
Councillor at Large Karen Colon-Hayes
Councillor Paul Condon
Councillor Peg Crowe
Councillor at Large Carey McDonald
Councillor Ryan O'Malley
Councillor Jadeane Sica
Councillor Chris Simonelli
Councillor at Large Craig Spadafora
Councillor Ari Taylor
Councillor Stephen Winslow

Tuesday, September 30, 2025

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Watch the meeting with Teams: <https://tinyurl.com/4v63jvnm>

1. CALL TO ORDER

Council President Linehan called the meeting to order at 7:06 PM.

2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICE MEMBERS

Additional moments of silence were offered in memory of Former Ward 4 City Councillor James Nestor, Retired Chief of Police James Holland, and Ward 6 resident Mike Ardai.

3. ROLL CALL

Also in attendance were Mayor Gary Christenson, Maria Luise, Charles Ranaghan, Dan Grover, Ron Hogan, Alicia McNeil, Mark Rumley, Lisa Cagno, various department heads, several members of police & fire, and many city residents.

Present - Councillors: 11 - Karen Colon Hayes, Paul Condon, Peg Crowe, Amanda Linehan, Carey McDonald, Ryan O'Malley, Jadeane Sica, Chris Simonelli, Craig Spadafora, Ari Taylor and Stephen Winslow

4. PUBLIC COMMENT

Neil Kinnon of 11 Spruce Street and Lara Thompson of 53 Playstead Road spoke on Paper 363-25. Additionally, thirteen written comments were read into the record both in support and opposition of Paper 363-25, these are now attached to the history of the paper.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councillor Crowe, seconded by Councillor Colon Hayes, to approve the Consent Agenda. The motion carried by the following vote:

Yea: 11 - Colon Hayes, Condon, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor and Winslow

[354-25](#) Minutes for the meeting of September 2, 2025

The Council Minutes were approved.

[355-25](#) Minutes for the meeting of September 9, 2025

The Council Minutes were approved.

[356-25](#) Mayoral Reappointment: Amy Solano, 42 Loomis Street #215A, Malden, as a constable, said term effective September 16, 2025, and to expire September 16, 2028 (Confirmation not required)

Attachments: [Mayor's Reappointment Letter - Amy Solano](#)

This Appointment was placed on file.

[357-25](#) Petition: Class II: Sega Auto Sales & Service, 455 Ferry Street, Malden, 7 cars (New)

This Petition was referred to the License Committee.

[358-25](#) Petition: Lodging House: Metro North Housing Corp., 22 Charles Street, Malden, 11 rooms (Renewal)

This Petition was referred to the License Committee.

[359-25](#) Petition: Lodging House: Cedar House LLC, 116-118 Cedar Street, Malden, 14 rooms (Renewal)

This Petition was referred to the License Committee.

[360-25](#) Petition: Lodging House: Metro North Housing Corp., 115 Washington Street, Malden, 14 rooms (Renewal)

This Petition was referred to the License Committee.

[361-25](#) Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 2.24.015 DEPARTMENT HEAD SALARY SCHEDULE is hereby amended by adding the updated salary schedule chart effective July 1, 2025

Sponsors: Stephen Winslow

Attachments: [Dept Head Salary Schedule FY2026-2029](#)
[Current 2.24.015 Department Head Salary Schedule](#)

This Ordinance was referred to the Rules & Ordinance Committee.

6. HEARINGS, PETITIONS, MEMORIALS, AND REMONSTRANCES

Council will hold a public hearing on a National Grid petition to install a new pole.

[362-25](#)

Petition: Massachusetts Electric Company dba National Grid Plan No. 31192064 - National Grid to install 1 SO Pole P2363-84 on Waite St. with a sidewalk anchor and to install guy wire from P2363 to P2363-84 to prevent P2363 from leaning over.

(Hearing Required)

Attachments: [87 Waite Street Petition](#)

[Abutters 87 Waite St](#)

[Hearing Notice 87 Waite Street](#)

Cameron Hansel from National Grid was in attendance to speak on this project via video call. This project is located in Ward 6 and is supported by Councillor Winslow. The need for this project came about from a Waite Street family who noticed a line of poles on Church Street were connected to, and putting pressure on, a Waite Street pole which is now beginning to lean and pull on power lines going into the neighbor's house. The new pole will be installed on Waite Street with supports from poles on Waite and Church to prevent the leaning pole from falling over. Councillor Spadafora questioned if this pole, either now or in the future, will be used for any other telecommunications, rented for cable boxes, small cell antennas, etc. Mr. Hansel confirmed this is a single-owned only National Grid pole and there is no intention to use it for anything besides support. There was nobody else who spoke either in favor or in opposition to this petition. Council President Linehan declared the public hearing closed.

A motion was made by Councillor Winslow, seconded by Councillor Spadafora, that the Petition be granted with conditions that the Engineer be called when Dig Safe is notified; that the streets and sidewalks be restored to the satisfaction of the Director of Public Works; and that the purpose of this pole is for anchoring only and will not include power, or any other accompaniments now or in the future.

The motion carried by a unanimous vote.

7. MOTIONS, ORDERS, AND RESOLUTIONS

[363-25](#)

Order: That the City of Malden hold a Special Municipal Election on February 10, 2026 and to include the following ballot question:

Shall the City of Malden be allowed to assess an additional \$5,400,000 in real estate and personal property taxes for the purposes of stabilizing the City's budget and to support ongoing city services across all departments, including public schools, public safety, public library, public works and general government, for which the monies will be used for the fiscal year beginning July 1, 2026?

A yes vote would support an increase in real estate and personal property taxes beginning with fiscal year 2027 (7/1/26 to 6/30/27).

A no vote would make no change to the current tax structure.

Sponsors: Amanda Linehan and Stephen Winslow

Attachments: [Mayor's Memo to the City Council 9 25 2025](#)
[Public Comment September 30](#)
[Graph Printouts 22x 28 \(2\)](#)
[Graph Printouts 28x 22 \(3\)](#)
[FY2026 General Fund Summary Oct 2026](#)
[Steps Taken to Implement Budget Savings Oct 2025](#)
[363-25 New Growth & Ec Dev Presentation Oct 21 2025](#)

Discussion on this paper opened with a statement made by Mayor Gary Christenson. This statement is attached to the history of the paper.

Various Councillors spoke on this topic of a tax override. Some ideas and suggestions that were discussed were the need for more commercial tax revenue coming into the city to correct the structural deficit within the budget, debt exclusion to pay for specific capital projects instead of funding through the general fund, a change to zoning to allow for more by-right commercial development, and a correction to the mandatory school spending formula. The proposal for this override was not the first line of defense; the city has already made many changes to continue to spend low despite being a high need community.

Malden is spending less overall per capita than many of our surrounding communities. Its the mandatory school spending that is crippling the city. Chapter 70 school spending formula is broken at the State level and the pressure of that formula is something unique to Malden, that many of our surrounding communities do not have to contend with. Malden has advocated for a state led review of this formula and there is now a task force that is doing just that. Multiple Councillors unequivocally called upon the state delegation, and particularly to Senator Lewis, to fix the Chapter 70 formula for school funding.

All of these suggestions and more will be discussed in depth during several Finance and CEIC meetings to come. All will be streamed live via Teams videos and will also be open to the public for in person attendance. The administration strongly encourages all members of the public to attend these meetings. Further information may be found on the city website at www.cityofmalden.org/override. Further, the public is strongly encouraged to call upon their state representatives, particularly to Senator Lewis, to fix the Chapter 70 formula for school funding.

A motion was made by Councillor Sica, seconded by Councillor Taylor, that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

[364-25](#)

Order: Authorizing the City of Malden to borrow \$1,500,000 from the United States Department of Housing and Urban Development, or any other entity associated therewith, to support a second phase of construction for the Malden River Works Project.

Sponsors: Carey McDonald

Attachments: [Section 108 Loan Cover Letter to Council](#)

A motion was made by Councillor McDonald, seconded by Councillor Colon Hayes, that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

8. EXECUTIVE SESSION

365-25

Order: That the City Council will vote whether to go into Executive Session with legal counsel for the City regarding the matter of Tufts Construction, Inc., v. The City of Malden for the purpose of Exemption Three Massachusetts General Laws Chapter 30A Section 21(a)(3) to discuss strategy with respect to litigation, where such discussion in open meeting may have a detrimental effect on the litigation position of the City, if so declared by the chair.

And if so allowed by the Body, to admit Maria Luise, Special Assistant to the Mayor.
(Roll Call Required)

Sponsors: Amanda Linehan

Attachments: [Final Paper 365-25 Executive Session Tufts Construction](#)

Councillor Simonelli left the meeting at approximately 8:50 PM and therefore was not present for this vote.

A motion was made by Councillor Sica, seconded by Councillor Crowe, that the Order be adopted. The motion carried by the following vote:

Yea: 9 - Colon Hayes, Condon, Crowe, Linehan, McDonald, Sica, Spadafora, Taylor and Winslow

Nay: 1 - O'Malley

Excused: 1 - Simonelli

9. TABLED PAPERS

99-24

Resolve: That it is the sense of the City Council that the Body would like the Community Preservation Committee to reconsider the application for historic preservation of 15 Ferry Street, the M. Ida Converse Building, (known by City Assessor's Parcel ID 075 272 211) in a modified form so as to preserve the building through an alternative location for the building.

Sponsors: Ryan O'Malley

Attachments: [Parcel id# 075272205 used for 15 Ferry Street relocation.](#)

[100-24 City Council agenda](#)

[CPC Letter to City Council and Mayor re 15 Ferry Street Preservation 2023.01.29](#)

[MHC to Mayor & CC 1.23.24 re 15 Ferry wAtts](#)

[MHC to Mayor CC 2.21.24 re 15 Ferry wAtts](#)

[Re 5 7 24 Public Comment](#)

[MHC to Mayor CC 15 Ferry 10.23.25 wAtts](#)

278-25

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 12.12 USE REGULATIONS is hereby amended to add 12.32.030.E CERTIFICATE OF REGISTRATION FOR SHORT TERM RENTALS

Attachments: [Malden Registered Voter Petition Signed for STR Ordinance Adoption](#)
[Letter to City Council petition adoption of STR ordinance in Malden](#)
[PROPOSED SHORT TERM RENTAL ORDINANCE CITY OF MALDEN](#)

[294-25](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 6.12.060 (2) SALE OF GOODS BY WEIGHT, MEASURE, OR VOLUME is hereby amended by striking the table it in its entirety and inserting the following:

Sponsors: Stephen Winslow

Attachments: [Weights and Measures Fee Comparison](#)
[FW_Weights and Measures](#)
[W & M Proposed Fees](#)

10. PERSONAL PRIVILEGE

11. ADJOURNMENT

A motion was made by Councillor Sica, seconded by Councillor Crowe, that this meeting be adjourned for the purpose of entering into Executive Session. Council President Linehan announced the Body would not reconvene in open session for any further business. The motion carried by a 9-1 vote, Councillor O'Malley dissenting.
Meeting adjourned at 8:50 PM.

CAROL ANN DESIDERIO, CITY CLERK

If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at mluise@cityofmalden.org or 781-397-7000 Ext. 2005

For instructions on enabling live translated captions in Teams, please visit: www.cityofmalden.org/captions

EXHIBIT 3



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Council President Amanda Linehan
Councillor at Large Karen Colon Hayes
Councillor Paul Condon
Councillor Peg Crowe
Councillor at Large Michelle Luong
Councillor at Large Carey McDonald
Councillor Ryan O'Malley
Councillor Jadeane Sica
Councillor Chris Simonelli
Councillor Ari Taylor
Councillor Stephen Winslow

Tuesday, January 20, 2026

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Watch the meeting with Teams: <https://tinyurl.com/4a7dxkdz>

This emergency meeting of the Malden City Council is being posted as soon as was reasonably possible in conjunction with M.G.L. c. 30A, 20(b) to take up such business that was unknown to the Body 48 hours prior.

1. CALL TO ORDER

Council President called the meeting to order at 7:24 PM.

2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICE MEMBERS

3. ROLL CALL

Also in attendance was Alicia McNeil, Zaheer Samee, and Lisa Cagno.

Present - Councillors: 11 - Karen Colon Hayes, Paul Condon, Peg Crowe, Amanda Linehan, Carey McDonald, Ryan O'Malley, Jadeane Sica, Chris Simonelli, Ari Taylor, Stephen Winslow and Michelle Luong

4. EXECUTIVE SESSION

[39-26](#)

Order: That the City Council will vote whether to go into Executive Session with legal counsel for the City regarding the matter of Tufts Construction, Inc., v. The City of Malden, Middlesex Superior Court Docket #2181CV01248, for the purpose of Exemption Three Massachusetts General Laws Chapter 30A Section 21(a)(3) for an update on recent developments regarding a tentative resolution to the civil action, where such discussion in open meeting may have a detrimental effect on the litigation position of the City, if so declared by the chair.

And if so allowed by the Body, to admit Maria Luise, Special Assistant to the Mayor.
(Roll Call Required)

Sponsors: Amanda Linehan

Council President Linehan declared that discussions in open session on the suit between Tufts Construction, Inc. and City of Malden may have a detrimental effect on the litigation position of the city. A motion was made and seconded to adopt the order and enter into Executive Session. Prior to voting, the President recognized Councillor O'Malley.

Councillor O'Malley raised objection to the late posting of this meeting under the provisions of M.G.L. c. 30A, s. 20(b) as he does not believe movement in the Tufts lawsuit to be an emergency situation. He stated his belief that the lawsuit was already known to the City and to members of the Council. Further, Councillor O'Malley stated there is no cause to enter into Executive Session because he has already heard from open court earlier in the afternoon that parties had agreed to a settlement.

Councillor O'Malley then left the dais, sat at the department head table and refused to respond to the Clerk during the call of the roll. Clerk Desiderio stated for the record that Councillor O'Malley did not wish to go on record with his vote. Nevertheless, Councillor O'Malley did enter into Executive Session with the rest of the Body upon adjournment.

A motion was made by Councillor Sica, seconded by Councillor Luong, that the Order be adopted. The motion carried by the following vote:

Yea: 10 - Colon Hayes, Condon, Crowe, Linehan, McDonald, Sica, Simonelli, Taylor, Winslow and Luong

5. ADJOURNMENT

A motion was made by Councillor Sica, seconded by Councillor Luong, that the meeting be adjourned to Executive Session. Council President Linehan announced the Body would not be reconvening for any further business. The motion carried by a 10-0 vote.

The open session concluded at 7:29 PM.

CAROL ANN DESIDERIO, CITY CLERK

If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at mluise@cityofmalden.org or 781-397-7000 Ext. 2005

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www.cityofmalden.org/captions

EXHIBIT 4

RECEIVED
C

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Superior Court
2181CV01248

_____)
Tufts Construction Inc.,)
Plaintiff,)
)
v.)
)
City of Malden and Yem Lip,)
Defendants.)
_____)

JOINT MOTION TO EXTEND NISI PERIOD

The parties hereby move this Honorable Court to extend the Nisi Period in the above action by 11 days, from February 19, 2026 to March 2, 2026. In support, the parties state that on January 20, 2026 this Court issued a Nisi Order that, in relevant part, stated that the Court may, in its discretion, enlarge the Nisi period. Said Order also stated that “[f]ailing the timely filing of an Agreement for Judgment or Stipulation of Dismissal, the parties are free to enforce their settlement agreement either in this Court by way of motion during the nisi period, or in a separately filed action for breach of contract.”

The parties state that they have been in the process of preparing a Settlement Agreement along with additional required documents but require additional time to determine whether a motion may be required to address matters relative to the resolution of this action.

Plaintiff,
Tufts Construction, Inc.
By counsel,

Defendant,
City of Malden and Yem Lip,
By counsel,

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2026 February 19
After review, motion allowed
Attest: *[Signature]*
(Dineault J.)