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THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2182CV01044

DANY ABOUELKHIER, Pro Se
By Special Appearance and Reservation of Rights
Petitioner,

v.

MARINA BAY RESIDENCES, LLC,
Plaintiff/Respondents,

v.

CALLAHAN, INC. and CUBE 3 STUDIO, LLC,
Defendants/Respondents.

**EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION
WITH INCORPORATED MEMORANDUM OF LAW
Filed Under Special Appearance Without Waiver**

NOW COMES Petitioner Dany Abouelkhier, under special appearance only, and respectfully moves this Honorable Court, ex parte, for an immediate Temporary Restraining Order and Preliminary Injunction enjoining any ongoing concealment of Insurance information, filings, or claims that may prejudice or extinguish his rights and those of related protected parties—including a minor—who have been systematically excluded, retaliated against, or procedurally defaulted in other connected litigation, in violation of Massachusetts and federal law.

This motion is filed under **Mass. R. Civ. P. 65, G.L. c. 231 § 140C½, Standing Order 1-09, 42 U.S.C. §§ 1983, 3617, 12132**, and Articles **XI and XXVI** of the Massachusetts Declaration of Rights. It is made solely to preserve rights and demand enforcement of insurance disclosure obligations pending intervention. This motion does not waive jurisdictional objections, does not concede default in any related matter, and does not trigger estoppel in any state or federal action.

I. GROUNDS FOR EMERGENCY RELIEF

Petitioner seeks emergency injunctive protection based on the following facts:

- He is a named class litigant in related housing litigation (Norfolk Sup. Ct. Docket No. 2382CV00389), in which multiple filings have been suppressed, severed, or procedurally obstructed to block insurance disclosures and minor protections.
- The contractors named herein—including Callahan Inc. and its subcontractors—have failed to disclose their **Insurance** policies, in direct violation of **Standing Order 1-09** and **Mass. R. Civ. P. 26(b)(2)**, despite triggering events through repeated public complaints, code violations, class action litigation, and injury to a minor.
- Default and procedural severance efforts are underway in a related case (Docket No. 2582CV00364), where Petitioner has been targeted without full adjudication or **Insurance** review, and where coordinated retaliation by legal counsel has been documented.
- This motion is filed **ex parte** because the Respondents have already demonstrated procedural bad faith and obstruction through their conduct in the class and severed cases.

Unless this Court immediately intervenes, Petitioner faces:

- **Procedural irreparable harm**, including default and waiver without joinder;
- **Injury to constitutional rights** under the **ADA, FHA, and 42 U.S.C. § 1983**;

• **Prejudice in all future federal and state actions**, including suppression of evidence necessary to protect a minor litigant with known health injuries.

II. LEGAL GROUNDS

This request is properly supported by the following legal authorities:

- **Mass. R. Civ. P. 65** – Temporary Restraining Orders and Preliminary Injunctions;
- **Mass. R. Civ. P. 24** – Intervention as of right or permissively;
- **Standing Order 1-09** – Mandatory insurance disclosure upon claim;
- **Mass. R. Civ. P. 26(b)(2)** – Disclosure of indemnity and insurance policies;
- **G.L. c. 231 § 140C½** – Procedural protections for persons with disabilities and guardians;
- **42 U.S.C. §§ 1983, 3617, 12132** – Civil rights violations, housing retaliation, and ADA protections;
- **U.S. Const. Amend. I, V, and XIV** – Due process, access to courts;
- **Mass. Const. Declaration of Rights Art. XI and XXVI** – Judicial access and protection for the disabled.

III. REQUESTED RELIEF

Petitioner respectfully requests that this Court:

1. **Issue a Temporary Restraining Order** enjoining:
 - Any further concealment of **Insurance** policies by Marina Bay Residences, LLC, Callahan, Inc., its subcontractors, insurers, or legal counsel;
 - Any default or adverse procedural action in related dockets arising from suppressed filings;

• Any destruction, withholding, or settlement without disclosure of coverage or notice to Petitioner.

2. **Schedule a Preliminary Injunction Hearing** and issue an order to show cause why full **Insurance** compliance and joinder should not be granted immediately.

3. **Order Immediate Insurance Disclosure** under Standing **Order 1-09**:

• Including all carriers, limits, policy numbers, claim numbers, brokers, and claim status for all named contractors and their affiliates.

4. **Declare No Waiver or Estoppel**:

• This Motion shall not be construed as submission to jurisdiction, or as waiving any rights in the class, severed, federal, or SJC proceedings.

• All objections to severance, suppression, non-joinder, and default remain preserved.

5. **Protect All Rights and Preserve All Remedies**, including pending or future filings in:

• The Massachusetts Supreme Judicial Court (**G.L. c. 211, § 3**);

• United States District Court under **42 U.S.C. §§ 1983, 3617, 12132**;

• Any criminal complaint regarding retaliation or concealment of evidence.

IV. CONCLUSION

For the foregoing reasons, Petitioner Dany Abouelkhier respectfully moves this Court to grant immediate ex parte injunctive relief, enforce **Insurance** disclosure obligations, and protect his rights and those of any related minors or disabled litigants affected by these systemic procedural abuses.

Filed Under Special Appearance Only Without Waiver of Any Rights, Objections, or Remedies

Respectfully submitted,

Dany Abouelkhier, Pro Se
By Special Appearance and Reservation of Rights

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Date: July 28th, 2025

/s/ Dany Abouelkhier
Dany Abouelkhier

CERTIFICATE OF SERVICE

I hereby certify that on July 28th, 2025 a copy of the foregoing was served electronically/U.S. mail on all counsel of record.

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By: Dany Abouelkhier

By Special Appearance and Reservation of Rights

/s/ Dany Abouelkhier

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