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NORFOLK COUNTY

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COMMONWEALTH OF MASSACHUSETTS

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.

MOTION TO INTERVENE

(Filed Under Special Appearance With Memorandum of Law)

NOW COMES Dany Abouelkhier ("Petitioner"), appearing strictly under special appearance and protest, and respectfully moves this Honorable Court for leave to intervene in the above-captioned matter pursuant to:

- Mass. R. Civ. P. 24(a) and (b),
- 42 U.S.C. §§ 1983, 12132, 3617,
- G.L. c. 231, §§ 1, 140C½,
- Mass. R. Civ. P. 17(c), and
- the inherent and equitable powers of this Court.

This Motion is supported by the accompanying Affidavit of Dany Abouelkhier, and Memorandum of Law set forth below.

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE

I. INTRODUCTION

Dany Abouelkhier seeks immediate intervention to protect state and federal rights and prevent irreparable prejudice arising from interconnected housing and construction litigation involving overlapping defendants, systemic suppression of filings, and procedural retaliation. Petitioner's interests are directly implicated by this case due to unresolved property defects, fraudulent concealment of **Insurance** coverage, and attempts by opposing counsel to manipulate parallel dockets, including a severed Norfolk case (No. 2582CV00364) where Petitioner is about to be defaulted without lawful jurisdiction.

Petitioner expressly appears under protest and asserts no waiver of rights. Intervention is necessary to compel **Insurance** disclosure, correct record manipulation, and prevent continued abuse of the court system to retaliate against protected activity.

II. GROUNDS FOR INTERVENTION

Petitioner satisfies all requirements under **Mass. R. Civ. P. 24(a) and (b)**:

- **Interest in Subject Matter:** Petitioner was a tenant and plaintiff in related litigation involving construction defects caused by Callahan and co-defendants named herein. Structural failures, water intrusion, and mold injuries impact him directly.

- **Risk of Impairment:** Without intervention, Petitioner's rights risk irrevocable prejudice due to secret settlements, undisclosed **Insurers**, and strategic docket manipulation used to default him in a severed proceeding.

- **Inadequate Representation:** No existing party represents the full scope of Petitioner's interest, particularly where alleged fraud, retaliation, and civil rights violations are at issue.

- **Timeliness:** Petitioner files this Motion upon learning of the improper severance and concealed **Insurance** disputes underlying this litigation. Any delay has been caused solely by suppression of his filings and unlawful clerk obstruction.

III. LEGAL PROTECTIONS PRESERVED

This Motion expressly preserves, and does **not waive**, any of the following:

- Federal Rights under **42 U.S.C. § 1983, ADA Title II (42 U.S.C. § 12132), FHA (42 U.S.C. § 3617)**, and Due Process protections;
- State Protections under **Article XI and XXVI of the Massachusetts Declaration of Rights**;
- Right to appeal, file in federal court, or seek emergency review under **G.L. c. 211, § 3**;
- Objections to jurisdiction, default, or severance in Norfolk Superior Court (Docket No. 2582CV00364);
- Notice of pending filings by Petitioner in both the Massachusetts Supreme Judicial Court and federal courts.

Petitioner also incorporates by reference any forthcoming filings on behalf of Kenzo (K.F.), a minor whose rights are also affected.

IV. REQUESTED RELIEF

Petitioner respectfully requests the following:

1. **Leave to Intervene** in this case, for the limited and express purpose of:
 - Demanding full **Insurance** disclosures from all defendants and third-party contractors;
 - Objecting to any concealed or unauthorized settlements affecting his rights;
 - Preserving rights pending federal and appellate proceedings.
2. An order recognizing this filing as under special appearance only, and that no waiver, estoppel, or submission to jurisdiction shall be implied.
3. An order instructing the Clerk to docket this filing immediately, with attached:
 - Affidavit of Dany Abouelkhier, and
 - Proposed Emergency Motion for Injunctive Relief (to be filed separately).

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
Dany Abouelkhier