

Docketed 11/14/2025

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT**

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2382CV00389

K.F., a Minor, by his Legal Guardian, Sandra Fernandez,
Filed Under Special Appearance and Reservation of Rights,
Movant,

v.

**MARINA BAY RESIDENCES, LLC, BOZZUTO
MANAGEMENT CO., and DELANEY BARRETT,**
Defendants,

MOTION TO STRIKE AND MEMORANDUM OF LAW

(Regarding "Plaintiff's Opposition to the Four October 2025 Motions" filed by Jonathan D. Sweet, Esq.)

I. INTRODUCTION

Sandra Fernandez, pro se and as mother and legal guardian of minor K.F., moves pursuant to Mass. R. Civ. P. 12(f) and the Court's inherent authority to strike in its entirety the pleading entitled "*Plaintiff's Opposition to the Four October 2025 Motions of Non-Parties Sandra Fernandez and Dany Abouelkhier*" filed October 21, 2025 by Jonathan D. Sweet, Esq.

The filing is unauthorized, procedurally defective, and prejudicial to a minor's rights. It was submitted by counsel who was discharged months earlier, lacks any current authority to appear, and now uses his former client's name to obstruct pending

motions and suppress evidence of his own conflicts of interest.

II. FACTUAL AND PROCEDURAL BACKGROUND

1. On February 12, 2025, Dany Abouelkhier terminated Attorney Sweet's representation.

2. On March 25, 2025, the Superior Court allowed counsel's motion to withdraw, formally ending any attorney-client relationship.

3. Mr. Sweet failed to file a new Notice of Appearance until after filing a *Third Amended Complaint*—an action undertaken without authorization.

4. Since withdrawal, Mr. Sweet has filed multiple pleadings in his former client's name and even purported to *sever his own client*, an act both unlawful and void, as none of those filings bears a valid client signature or Rule 11(a) certification.

5. All current filings—including the October 2025 motions properly served under Rule 9A by Sandra Fernandez on behalf of minor K.F.—have been placed within Civil Action No. 2382CV00389 (“the 89 docket”), which Attorney Sweet continues to style as a *class action* even though no motion for class certification under Rule 23 has ever been filed or allowed.

Originally, Dany Abouelkhier was the sole plaintiff. After Sweet's discharge and withdrawal, the Court—at his urging—purported to “substitute” Beth Materna as “representative plaintiff.” That substitution was legally void because, absent Rule 23 certification, there was no class to represent and no lawful basis to remove or replace the only named plaintiff.

Nevertheless, Sweet continues filing pleadings in the 89 docket, opposing his former clients, and attempting to gag-order the minor K.F., whose intervention rights

remain pending. By maintaining a façade of “class representation” to control the docket and pre-empt insurance disclosure, Sweet has engaged in unauthorized advocacy, misrepresentation of party status, and fraud upon the tribunal, warranting that his opposition be stricken under Rule 12(f).

III. LEGAL STANDARDS

Under Mass. R. Civ. P. 12(f), a court may strike “any redundant, immaterial, impertinent, or scandalous matter.”

Rule 11(a) requires that every pleading be signed by authorized counsel; unauthorized filings are void.

Rule 17(c) mandates that minors receive special protection, and any pleading that interferes with that protection must be rejected.

Courts also possess inherent power to strike filings made in bad faith or without standing.

IV. IMPROPER BUNDLING AND FAILURE TO OPPOSE ON THE MERITS

6. Sweet’s opposition improperly bundles unrelated parties, seeking to impose joint opposition status on a minor child (K.F.) and multiple adult litigants. Such bundling is procedurally impermissible and prejudicial. Each party’s rights must be considered separately, especially when one is a minor with distinct protections under Rule 17(c). This tactic appears calculated to confuse the record and silence the minor’s independent voice by hiding him within the adult docket.

7. Moreover, the opposition fails to address any substantive issue. Its only contentions are conclusory labels—“frivolous,” “lack of standing,” and “non-party.” Under Superior Court Rule 9A(b)(5) and Rule 7(b)(2), failure to respond to the substance of a

motion constitutes waiver. Accordingly, the minor's motion stands unopposed as a matter of law, and Sweet's defective filing should be stricken as procedurally improper and substantively void.

8. Sweet's continuing appearance in this matter—after withdrawal and without a current client—is itself a violation of Rule 11(a) and Rule 3.3 of the Massachusetts Rules of Professional Conduct. By filing pleadings on behalf of a non-existent class and purporting to speak for a substituted plaintiff who lacks any certified status, Sweet demonstrates ongoing contempt for the Court's rules. The only party who truly "lacks standing" here is Jonathan D. Sweet himself who is under a current BBO investigation for professional misconduct.

V. ARGUMENT

A. Sweet's Appearance and Opposition Are Unauthorized

An attorney discharged by his client and formally withdrawn cannot continue to appear or file on that client's behalf. Any such filing is a nullity and should be struck.

B. The So-Called Class Representation Is Void

Because no Rule 23 motion was ever filed or allowed, there is no certified class. The attempted substitution of Beth Materna was procedurally and substantively invalid. Sweet's filings under that false caption are therefore fraudulent on their face and violate Rule 11 and Rule 3.3.

C. Bundling Minors with Adults Violates Rule 17(c)

The law prohibits merging a minor's claims or oppositions with adult litigants'. Sweet's opposition effectively erases K.F.'s separate status and rights. This is structural prejudice requiring the opposition's removal from the record.

D. Failure to Respond on the Merits = Waiver

Labeling motions “frivolous” is not a defense. Because Sweet offered no substantive rebuttal, his silence operates as admission by waiver. The minor’s motion should therefore be allowed forthwith.

E. Pattern of Conflict and Misuse of Procedure

Sweet’s actions reveal a pattern: using pleadings not to defend clients but to protect adverse parties and delay judicial scrutiny of his own conduct. Such abuse of process warrants striking the filing and referring counsel for disciplinary review.

VI. REQUEST FOR RELIEF

For the reasons above, Movant K.F., by his mother and guardian Sandra Fernandez, respectfully requests that this Court:

1. Strike in its entirety the pleading titled *“Plaintiff’s Opposition to the Four October 2025 Motions of Non-Parties Sandra Fernandez and Dany Abouelkhier.”*
2. Order that Jonathan D. Sweet, Esq. and Keches Law Group, P.C. may not file further papers in this matter because they are non-parties and lack standing.
3. Clarify that the minor’s motions are unopposed as a matter of law under Rule 9A(b)(5).
4. Grant any further relief necessary to protect the minor’s rights under Rule 17(c) and preserve the integrity of these proceedings.

VII. CONCLUSION

The opposition is an unauthorized, procedurally defective filing submitted by a discharged attorney with no standing. It offers no substantive response, improperly bundles a minor with adults, and functions solely to obstruct the administration of

justice. It should therefore be stricken in full. Let Sweet attempt to answer this motion point-by-point if he can; but the record shows he repeats only one tactic—labeling legitimate filings “frivolous” and counting motions instead of defending clients. That is not advocacy. His actions are unlawful, incompetent, disgrace to the Bar and law and should be sanctioned.

Respectfully submitted,

K.F., a Minor, by his Legal Guardian, Sandra Fernandez,
Filed Under Special Appearance and Reservation of Rights,
Movant,

550 Liberty St. Unit 905
Braintree, MA 02184

Tel: (617) 806 6566

Email: sandreva14@yahoo.com

Date: October 22, 2025

By: Sandra Fernandez

On Behalf of K.F., a Minor, as his Legal Guardian, Pro Se,
Filed Under Special Appearance Only

/s/ Sandra Fernandez
Sandra Fernandez

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2025 a copy of the foregoing was served electronically on all counsel of record.

DEFENDANT,
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BY ITS ATTORNEYS,

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By: Sandra Fernandez, Legal Guardian of K.F., a Minor
Filed Under Special Appearance and Reservation of All Rights,
Petitioner,

/s/ Sandra Fernandez
Sandra Fernandez