

Docketed 11/24/2025

157

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

NORFOLK, ss

SUPERIOR COURT DEPARTMENT
Civil Action No.: 2382CV00389

Beth Materna, *et al*,

Plaintiff,

v.

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

Defendants.

JOINT MOTION TO REQUIRE CERTAIN NONPARTIES TO OBTAIN LEAVE OF COURT BEFORE FILING

Certain nonparties have tried to hijack this case through non-stop vexatious motion practice and the filing of “notices,” rarely in compliance with Superior Court Rules 9A and 9C. These motions and notices serve only to needlessly consume judicial resources and increase the cost of litigation to all parties and are wholly irrelevant to the issues raised by the actual parties to the case. Rather than being able to focus on preparing this case for trial, the actual parties to this action have had to review, consider, and respond to this seemingly endless flow of meritless filings by nonparties. This is classic vexatious litigation, and it is well within the court’s prerogative to limit or stop. *See State Realty Co. of Boston v. MacNeil*, 341 Mass. 123, 124 (1960) (courts have authority to impose limitations on “harassing, vexatious, and repetitious litigation”). The parties here ask initially only for the minimum remedy to stem this continuing abuse: that going forward, this Court require that any nonparty to this action seek and receive leave of court before filing any motion or “notice” directly in this action.

Months of vexatious tactics across multiple forums

In 2021, Marina Bay Residences filed suit in this Court (Civil Action No. 2182CV01044) against the general contractor and the architect of the Meriel Marina Bay apartments, alleging certain design and construction defects requiring remediation work to redress water infiltration and other issues in the building. Additional subcontractors and vendors were added as parties. In 2023, the Keches Law Group brought a putative class action in this Court (Civil Action No. 238CV00389) alleging certain injuries arising from the alleged defects in the building and subsequent remediation work. For several years, the cases proceeded, separately, through the different stages of litigation.

In February 2025, the named plaintiff in the putative class action suit, 238CV00389, filed a series of motions seeking to have Keches Law removed from the case, as well as for sanctions. Keches Law responded by filing a motion to sever the named plaintiff's personal claims from the putative class action and for leave to amend the complaint to substitute a new class representative. The court granted the Keches Law motions, and assigned a new docket number, 2582CV00364, for the original named-plaintiff's individual claims.

However, rather than pursue his individual claims in his own action, the original named plaintiff and his wife, personally and on behalf of her minor child, bombarded the parties and the court with a long series of motions pro se, in all three cases, to, among other things, insert themselves into the 2021 construction case and reinsert themselves in the 2023 putative class action, to stay all three cases pending their inclusion, to reconsider prior rulings, and to pursue sanctions against Keches Law. The original named plaintiff separately filed a notice announcing that he did not intend to participate in the 2582CV00364 severed case for his individual claims.

This Court has appropriately denied all of these motions on which it has acted to date, prompting the movants to file notices of appeal, and to file motions directly with the Appeals

Court and the Supreme Judicial Court, which in turn have denied all motions so far. On July 30, 2025, one of these nonparties filed, on behalf of her minor child, a 90-page federal lawsuit naming many of the parties to both the construction and putative class action cases and their lawyers as defendants claiming malfeasance in the conduct of these various cases. The very next day, the U.S. District Court for the District of Massachusetts sua sponte dismissed the action, describing it as bordering on “malicious.” (Copy of decision at **Tab A**.)

More recently, these nonparties have tried to open a new front, sending demands directly to insurance carriers for the parties, inundating them with emails and documents (one carrier reported receiving more than 60 emails and over 200 documents in just a few days in October). All told, nonparties have filed or served (without filing) nearly 200 motions and “notices” across the different actions. (List of filings at **Tab B**)

The vexatious nature of this practice goes beyond the sheer volume. The filings, and their transmittal letters, are full of ad hominin attacks on the parties and counsel, false statements, and improper threats of referrals to the Board of Bar Overseers and for criminal prosecution. As the Court well knows, it is improper to try to leverage criminal sanction for civil litigation advantage. For example:

- On October 23, 2025, a nonparty emailed all counsel in the 2182CV01044 case witing: “Attached is a Judicial Notice I filed today. The Marina Bay dockets are being reviewed for insurance and regulatory irregularities, everyone on these dockets is timestamped and evidential. Do not attempt to ‘clean up’ the record. Any interference will be noticed and used. I’m preserving every remedy available, civil, regulatory, and criminal.” (Copy at **Tab C**)
- Also on October 23, 2025, the same nonparty filed, purportedly on behalf of her minor child, the same “Judicial Notice” in the 2382CV00389 case. In the Notice, the nonparty wrote: “Each motion, notice, affidavit, and exhibit filed in this and related cases is an authenticated document of record, forming part of an official evidentiary chain that has been transmitted to multiple insurance carriers, coverage counsel, and regulatory authorities. These records are already being used in ongoing insurance investigations under G.L. c. 175, §112C and G.L. c. 176D, and are expected to serve

as exhibits in forthcoming federal proceedings and in state and federal investigations that may reach the Attorney General's Office, the Insurance Fraud Bureau, and criminal enforcement divisions." (Copy at **Tab D**)

- On August 7, 2025, a nonparty in another email to all counsel in the 2182CV01044 case wrote: "This message, along with your original email, is preserved. It will be: Filed with the Board of Bar Overseers; Sent to the Division of Insurance; Cited in Federal and State proceedings involving concealment, fraud, retaliation, and civil rights violations. And to everyone else copied here: Your silence is part of the record." (Copy at **Tab E**)
- On October 21, 2025, a nonparty to this case filed a "Notice of Material Information Regarding Defective Materials, Architectural Liability, and Insurance Disclosure Irregularities" purporting to "expose" one defendant's attorney for alleged conflicting professional ties to an insurer of the plaintiff. The nonparty wrote: "This overlap raises substantial doubt that these proceedings reflect genuine litigation rather than coordinated exposure management designed to keep ... insurers off-record and unnoticed." (Copy at **Tab F**, and also at Docket No. 229)
- In that same October 21, 2025 "Notice of Material Information," the nonparty wrote: "The disclosures in this Notice represent approximately ten percent of the information I possess. This is not a threat; it is a proactive warning ..." (Copy at **Tab F**, and also at Docket No. 229)
- On Saturday, November 1, 2025, a nonparty emailed counsel in the construction case: Please find attached my **Notice**, with supporting exhibits, regarding the **Marina Bay Residences loan with Truist Bank**, which has been formally notified, together with documentation of the **active insurance investigations presently underway with Zurich Insurance Group and Gallagher Bassett**. Be advised that **supplemental notices will be circulated later this week**. These will include additional insurance carriers with whom I have opened active claims. Upon the assignment of official investigators, **all counsel, parties, and affiliates will receive direct written notice**. As many of you are already aware, **new civil actions have been filed and served** on multiple parties involved in these matters. **Further civil and federal complaints are being finalized, and any settlement discussions, transfers, encumbrances, or dispositions of property or assets** related to these entities are **subject to audit and investigation**. This correspondence serves as **formal notice and preservation of rights**. The referenced investigations are **active, ongoing, and material** to all current and future proceedings involving **Marina Bay Residences, its affiliates, representatives, insurers, and counsel**. All filings, communications, and transactions may be incorporated into **regulatory, evidentiary, and judicial review**, including any examination of potential **concealment, obstruction, nondisclosure, or improper transfers**. **Additional information and supporting evidence will be disclosed progressively as investigations advance and verified materials are shared with assigned investigators and appropriate parties**. Transparency will be maintained throughout the process. Please govern yourselves accordingly." (Copy at **Tab G**) (emphasis in original)

The nonparties have also cited to cases that do not appear to be real, but have to be investigated each time, at additional time and cost.

The parties ask this Court to regulate such conduct by the certain nonparties.

Enough is enough. The remedy sought by this motion is the most limited possible. At this stage, the moving parties do not ask to recover their fees and costs in responding to the redundant, nonsensical, and vindictive motions and notices that have clogged our inboxes. Nor do the moving parties seek a blanket prohibition on all such future filings, although that would be warranted under the circumstances. Instead, going forward, the certain nonparties should have to justify to the Court in advance that a contemplated filing merits forcing the actual parties in the case to expend additional resources and distract them from dealing with the case at hand. This Court should require that Dany Abouelkhier and Sandra Fernandez on her own behalf and on behalf of the minor child seek and receive leave to file any further motions or “notices” in this action.

Respectfully submitted by:

DEFENDANT
MARINA BAY RESIDENCES, LLC,
BY ITS ATTORNEYS,

PLAINTIFF,
BY HER ATTORNEYS,

/s/ Daniel P. Dain

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DELANEY BARRETT
BY THEIR ATTORNEYS,

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Dated: November 12, 2025

Certificate of Service

I, Daniel P. Dain, do hereby certify that on this 12th day of November 2025 I served a copy of the foregoing document on all counsel of record by electronic mail:

/s/ Daniel P. Dain

Daniel P. Dain

TAB A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

K.F., a Minor, by and through	)	
His Legal Guardian Sandra)	)	
Fernandez,	)	
Plaintiff,	)	
v.	)	C.A. No. 25-12088-WGY
	)	
HINES CORPORATION, et al.,	)	
Defendants.	)	

MEMORANDUM AND ORDER

July 31, 2025

YOUNG, D.J.

For the reasons set forth below, the pending motions are denied without prejudice. If Sandra Fernandez wishes to proceed, she must (1) either pay the filing fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs; and file an Amended Complaint.

I. Background

Sandra Fernandez ("Fernandez"), a resident of Braintree, Massachusetts who is proceeding pro se, filed on behalf of her minor son an Application to Proceed in District Court without Prepaying Fees or Costs and a Complaint for injunctive, declaratory, and monetary relief. The 79-page, 48-count complaint details a series of events involving her former landlord, property manager, private attorneys and law firms, and construction and design firms, beginning in 2018 with unsafe housing conditions and culminating in the 2024 eviction from

their residence in Quincy, Massachusetts. The complaint invokes federal question jurisdiction under 28 U.S.C. § 1331 and asserts claims under 42 U.S.C. §§ 1983, 1985; 42 U.S.C. § 12101 (Americans With Disabilities Act); and 42 U.S.C. § 3601 (Fair Housing Act). The complaint asserts this Court's supplemental jurisdiction over several state court tort, contract and consumer claims. The complaint seeks a preliminary injunction, a temporary restraining order, monetary damages and referral to prosecutors for investigation.

II. Preliminary Review

Federal courts possess inherent authority to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." Goodyear Tire & Rubber Co. v. Haeger, 581 U.S. 101, 107 (2017) (quoting Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)). This includes the power to dismiss actions that are frivolous or malicious. See Mallard v. United States Dist. Ct., 490 U.S. 296, 307-08 (1989); Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co., 771 F.2d 5, 11 n.5 (1st Cir. 1985). A claim is legally frivolous if it "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989).

In addition, under Federal Rule of Civil Procedure 12(h)(3), the Court must dismiss any action over which it lacks subject-matter jurisdiction. See McCulloch v. Velez, 364 F.3d

1, 5 (1st Cir. 2004). Jurisdiction must be based on either a federal question under 28 U.S.C. § 1331 or complete diversity of citizenship under 28 U.S.C. § 1332.

To obtain a preliminary injunction or a temporary restraining order, the movant "must make a clear showing that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Starbucks Corp. v. McKinney, 602 U.S. 339, 346 (2024) (internal quotation marks omitted). "A preliminary injunction is an 'extraordinary' equitable remedy that is 'never awarded as of right.'" Id. at 345-46 (quoting Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 24 (2008)).

In conducting this review, the Court construes the pleadings liberally because the plaintiff is proceeding pro se. See Rodi v. S. New Eng. Sch. of Law, 389 F.3d 5, 13 (1st Cir. 2004).

III. Discussion

A. Legal Representation

Fernandez cannot represent her son in this action. Fernandez states that she is his legal guardian and seeks appointment of a guardian ad litem or independent counsel under Rule 17(c) of the Federal Rules of Civil Procedure. See Complaint at 73.

An individual may appear in federal court, either "pro se or through legal counsel." Herrera-Venegas v. Sanchez-Rivera, 681 F.2d 41, 42 (1st Cir. 1982); see also Hootstein v. Amherst-Pelham Reg'l Sch. Comm., 361 F. Supp. 3d 94, 101 (D. Mass. 2019); 28 U.S.C. § 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such court, respectively, are permitted to manage and conduct causes therein."); Local Rule 83.5.5(b) of the Local Rules of the U.S. Dist. Ct. for the Dist. of Mass. ("An individual appearing pro se may not represent any other party and may not authorize any other individual who is not a member of the bar of this district to appear on his or her behalf."). Because Fernandez is not alleged to be an attorney, she cannot represent her son in this action.

Rule 17(c) does give a federal court "power to authorize someone other than a lawful representative to sue on behalf of an infant or incompetent person where that representative is unable, unwilling or refuses to act or has interests which conflict with those of the infant or incompetent," Sam M. ex rel Elliott v. Carcieri, 608 F.3d 77, 85 (1st Cir. 2010) (quoting Ad Hoc Comm. of Concerned Teachers v. Greenburgh No. 11 Union Free Sch. Dist., 873 F.2d 25, 29 (2d Cir.1989)), however, the Court declines to take such action because the complaint, as plead, is subject to dismissal.

B. Younger and Rooker-Feldman Doctrines

Although this action seeks, among other things, to assert claims under various federal statutes, it is apparent that the case concerns injuries caused by rulings and orders entered in various state court actions. The complaint seeks to have this Court interfere directly or indirectly with ongoing state proceedings.

To the extent the complaint challenges various state court proceedings, the Rooker-Feldman doctrine and Younger abstention doctrine bar such claims. Under the Rooker-Feldman doctrine, a federal district court lacks jurisdiction over a final judgment of a state court. See Geiger v. Foley Hoag LLP Retirement Plan, 521 F.3d 60, 65 (1st Cir. 2008). The Younger abstention doctrine arises from Younger v. Harris, 401 U.S. 37 (1971) and bars the exercise of federal jurisdiction if it “would interfere (1) with an ongoing state judicial proceeding; (2) that implicates an important state interest; and (3) that provides an adequate opportunity for the federal plaintiff to advance his federal constitutional challenge.” Rossi v. Gemma, 489 F.3d 26, 34-35 (1st Cir. 2007). The matters alleged in the complaint would be precluded under one or both of these doctrines.

If state court proceedings are ongoing, this Court lacks subject matter jurisdiction under the Younger abstention doctrine. If a final judgment has been entered, this federal

court lacks subject matter jurisdiction over such claims under the Rooker-Feldman doctrine.

If Fernandez remains disappointed with the conduct and outcomes of the state proceedings, she may raise any distinctly federal claims he has preserved for consideration by the Supreme Court of the United States. "[T]he proper forum for challenging an unlawful state court ruling is the United States Supreme Court, on appeal of the highest state court's final judgment." Davison v. Gov't of Puerto Rico-Puerto Rico Firefighters Corps, 471 F.3d 220, 223 (1st Cir. 2006). Lower federal courts are obligated to abstain from the exercise of jurisdiction over equitable claims like those asserted here that may directly or indirectly interfere with the ongoing state proceedings.

IV. Filing an Amended Complaint

To the extent Fernandez wishes to proceed on her own behalf, she must file an amended complaint—a new stand-alone document—that states a plausible claim. As an amended complaint completely replaces the original complaint, see Brait Builders Corp. v. Massachusetts, Div. of Capital Asset Mgt., 644 F.3d 5, 9 (1st Cir. 2011), Fernandez should repeat in the amended complaint any allegations in the original complaint that she wishes to be part of the operative complaint along with sufficient allegations to state a plausible claim. The amended complaint must identify all of the parties in the caption. It

must set forth the basis for this Court's exercise of jurisdiction. It should, in numbered paragraphs, focus on the legal claims against each defendant, along with the basis for such claims. In other words, plaintiff should set forth at least minimal facts as to who did what to whom, when, and where. She should not assert claims collectively against the defendants, but rather should separately parcel out the claims against each defendant, or if appropriate, groups of identified defendants. She also should not assert multiple causes of action against a defendant in one count; rather, he should identify separately each cause of action and the grounds therefore.

Fernandez is cautioned that it is impermissible to bring multiple unrelated claims within a single action. Here, the complaint asserts several different legal claims with each claim involving a different set of defendants. While Rule 18(a) of the Federal Rules of Civil Procedure permits a plaintiff "to bring multiple claims against a defendant in a single action ... it does not permit the joinder of unrelated claims against different defendants." Chase v. Chafee, No. 11-cv-586, 2011 WL 6826504, at *2 (D.R.I. Dec. 9, 2011), report and recommendation adopted, No. 11-cv-586, 2011 WL 6826629 (D.R.I. Dec. 28, 2011); see Spencer v. Bender, No. 08-cv-11528, 2010 WL 1740957, at *2 (D. Mass. Apr. 28, 2010) (citing George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)). Instead, Rule 20 of the Federal Rules of

Civil Procedure provides that separate defendants "may be joined in one action as defendants if ... any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and ... any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2).

If an amended complaint is filed, it will be further screened. Failure to do so will result in dismissal.

V. Conclusion

In accordance with the foregoing, the pending motions are denied without prejudice. To the extent Fernandez wishes to proceed in this matter, she must file, on or before August 29, 2025, (1) an Application to Proceed in District Court without Prepaying Fees or Costs; and (2) an amended complaint that states a plausible claim. Failure to timely comply will result in dismissal of this action.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE

TAB B

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
1.	2382CV00389	2/10/2025	Abouelkhier	Notice of Legal Representation Changes	
2.	2382CV00389	2/10/2025	Abouelkhier	Plaintiff Motion to Proceed Pro Se and Maintain Lead Plaintiff Status - Served with Affidavit of Sandra Fernandez de Villavicencio Frommer in Support.	
3.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff's Emergency Motion for Immediate Sanctions Against Attorneys Jonathan Sweet and Kenneth Quat for Professional Misconduct, Malpractice, and Collusion with Opposing Counsel - Served with accompanying Memorandum of Law.	
4.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff's Emergency Motion to Stay Entry of Default - Served with accompanying Memorandum of Law.	
5.	2382CV00389	2/11/2025	Abouelkhier	Emergency Motion for Extension of Time to Respond to Counterclaims and Amended Answers - Served with accompanying Memorandum of Law.	
6.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff Motion to Extend Discovery Deadline	
7.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff Motion to Compel Defendants to Prove Their Right to File Counterclaims - Served with accompanying Memorandum of Law.	
8.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff Motion to Disqualify Attorney Jonathan Sweet from Representing Plaintiff and the Class, and Request for Sanctions - Served with accompanying Memorandum of Law.	
9.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff Motion to Formally Remove Attorney Kenneth Quat as Counsel - Served with accompanying Memorandum of Law.	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
10.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff's Emergency Motion to Set Aside Default - Served with accompanying Memorandum of Law.	2/13/2025 Order: "No Action Taken as there is no emergency."
11.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff's Emergency Motion to Expose Attorney Misconduct, Procedural Sabotage, and Intentional Obstruction by Jonathan Sweet, Kenneth Quat, and Patrick Nelligan - Served with accompanying Memorandum of Law.	
12.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff's Emergency Motion to Prohibit Former Counsel from Making Future Filings Without Court Permission - Served with accompanying Memorandum of Law.	
13.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff's Emergency Motion to Disqualify Attorney Patrick Nelligan and Prohibit Interference in Litigation - Served with accompanying Memorandum of Law.	
14.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff's Emergency Motion to Strike Defendants' Improper Counterclaims, to Vacate Default Entry, and for Sanctions Due to Procedural Abuse and Attorney Misconduct - Served with accompanying Memorandum of Law.	
15.	2382CV00389	2/11/2025	Abouelkhier	Emergency Motion for a Hearing on Attorney Misconduct and Possible Collusion - Served with accompanying Memorandum of Law.	
16.	2382CV00389	2/11/2025	Abouelkhier	Plaintiff Notice to the Court Regarding Attorney Withdrawals & Procedural Updates	
17.	2382CV00389	2/12/2025	Abouelkhier	Emergency Motion to Dismiss Counterclaim and Request for Judicial Investigation into Attorney Misconduct, Retaliation, and Fraud Upon the Court - Served with accompanying Memorandum of Law.	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
18.	2382CV00389	2/12/2025	Abouelkhier	Plaintiff's Emergency Motion for Judicial Referral of Attorney Misconduct	
19.	2382CV00389	2/12/2025	Abouelkhier	Plaintiff's Motion to Stay Attorney Withdrawal Pending Review of Misconduct	
20.	2382CV00389	2/13/2025	Abouelkhier	Emergency Motion to Dismiss Counsel from the Entire Case and Compel Immediate Withdrawal - Served with accompanying Memorandum of Law. - Motion & memo withdrawn on 2/14/2025.	
21.	2382CV00389	2/27/2025	Abouelkhier	Emergency Motion to Discharge Counsel and Compel Immediate Release of Case Files	
22.	2382CV00389	3/10/2025	Abouelkhier	Plaintiff's Expedited Request for Ruling on Emergency Motion to Discharge Counsel	
23.	2582CV00364	4/1/2025	Abouelkhier	Amended Motion to Set Aside Entry of Default Pursuant to Mass. R. Civ. P. 55(c) - Filed with accompanying Memorandum of Law.	
24.	2582CV00364	4/1/2025	Abouelkhier	Declaration of Dany Abouelkhier in Support of Objection to Severance	
25.	2382CV00389	4/14/2025	Abouelkhier	Declaration of Dany Abouelkhier in Support of Objection to Severance	
26.	2382CV00389	4/14/2025	Abouelkhier	Plaintiff's Motion for Reconsideration of the Order Severing Plaintiff, Substituting Beth Materna and Third Party Amended Complaint	4/25/2025 Order: Denied
27.	2382CV00389	4/14/2025	Abouelkhier	Motion to Stay Proceedings Pending Ruling on Plaintiff's Motion for Reconsideration and Motion to Set Aside Entry of Default on Counterclaims (Pursuant to Mass. R. Civ. P. 9A and the Court's Inherent Authority)	4/25/2025 Order: Denied
28.	2382CV00389	4/15/2025	Abouelkhier	Plaintiff's Motion for Relief from Order of Severance Pursuant to Mass. R. Civ. P. 60(b)(1), (3), and (6) - Served with accompanying Memorandum of Law.	4/25/2025 Order: Denied

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
29.	2382CV00389	4/15/2025	Abouelkhier	Plaintiff's Motion for Sanctions Against Prior Counsel and Request for Referral to the Board of Bar Overseers - Served with accompanying Memorandum of Law.	4/25/2025 Order: Denied
30.	2582CV00364	4/15/2025	Abouelkhier	Motion to Stay Proceedings - Served with accompanying Memorandum of Law.	5/1/2025 Order: Denied, "On its merits and failure to comply with Superior Court Rule 9A."
31.	2382CV00389	4/18/2025	Abouelkhier	Notice of Special Appearance, Reservation of Rights, and Objection to Default on Counterclaims	
32.	2382CV00389	4/25/2025	Abouelkhier	Notice of Appeal Pursuant to Mass. R. App. P. 3 & 4	
33.	2382CV00389	4/25/2025	Abouelkhier	Notice of Intent to Serve and File Motions to Stay Proceedings Pending Appeal	
34.	2382CV00389	5/6/2025	Fernandez	Motion to Intervene, Substitute Plaintiff or Intervene as Additional Plaintiff, Stay Proceedings, Disqualify Counsel, and for Protective Order (Pursuant to Mass. R. Civ. P. 24, 25(c), 26(c), and Rule 9A) - Served with accompanying Memorandum of Law.	6/3/2025 Order: Denied
35.	2382CV00389	5/6/2025	Abouelkhier	Notice of Intent to Seek Vacatur, Preservation of Rights, and Supplemental Notice Regarding Void Orders	
36.	2582CV00364	5/6/2025	Abouelkhier	Supplemental Notice of Special Appearance, Reservation of Rights, and Objection to Procedural Errors	
37.	2382CV00389	5/14/2025	Abouelkhier	Notice of No Opposition to Motion to Intervene	
38.	2382CV00389	5/16/2025	Fernandez	Supplemental Declaration Regarding Service, Procedural Position, and Notice of Independent Intervention	
39.	2382CV00389	5/19/2025	Fernandez	Motion to Reschedule Hearing Date	5/19/2025 Order: Allowed
40.	2382CV00389	5/20/2025	Abouelkhier	Motion to Clarify and Correct Order Denying Motion to Stay	
41.	2382CV00389	5/20/2025	Abouelkhier	Notice of Objection to Improper Pro Hac Vice and Preservation of Rights Under Special Appearance with Exhibit	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
42.	2582CV00364	5/20/2025	Abouelkhier	Motion to Stay Proceedings Pending Appeal Pursuant to Mass. R. Civ. P. 62 and Rule 9A	6/25/2025 Order: Denied
43.	2382CV00389	5/21/2025	Abouelkhier	Motion to Stay Proceedings Pending Appeal Pursuant to Mass. R. Civ. P. 62 and Rule 9A	6/25/2025 Order: Denied
44.	2382CV00389	5/21/2025	Abouelkhier	Supplemental Motion to Vacate Void Orders - Served with accompanying Memorandum of Law.	6/25/2025 Order: Denied
45.	2382CV00389	5/21/2025	Abouelkhier	Motion to Reinstate Plaintiff's Active Status in Original Docket	6/25/2025 Order: Denied
46.	2382CV00389	5/21/2025	Abouelkhier	Motion to Compel Discovery and Production of Case Files from Former Counsel Jonathan Sweet	6/25/2025 Order: Denied
47.	2382CV00389	5/21/2025	Abouelkhier	Motion for Entry of Final Judgment Under Mass. R. Civ. P. 54(b) - Served with accompanying Memorandum of Law.	
48.	2382CV00389	5/21/2025	Abouelkhier	Plaintiff's Motion to Strike Second Amended Complaint Filed December 6, 2024 - Served with accompanying Memorandum of Law.	6/25/2025 Order: Denied
49.	2382CV00389	5/21/2025	Abouelkhier	Motion to Strike Third Amended Complaint and All Post-Discharge Filings - Served with accompanying Memorandum of Law.	6/25/2025 Order: Denied
50.	2382CV00389	5/21/2025	Abouelkhier	Motion to Compel Assembly and Transmission of the Record and to Correct Docket Status and Service Information Pursuant to Mass. R. App. P. 9(c) and Related Authorities - Served with accompanying Memorandum of Law	6/25/2025 Order: Denied
51.	2382CV00389	5/21/2025	Abouelkhier	Supplemental Notice Regarding Transcript Filing and Request to Defer Record Transmission Pending Rule 54(b) Ruling	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
52.	2382CV00389	5/23/2025	Abouelkhier	Motion for Clarification of Severance, Standing, and Procedural Effect of Prior Orders	6/25/2025 Order: Denied
53.	2382CV00389	6/3/2025	Abouelkhier	Notice of Service and Inability to Participate in June 3, 2025 Hearing	
54.	2382CV00389	6/16/2025	Fernandez	Emergency Motion for Protective Relief - Served with accompanying Memorandum of Law.	6/25/2025 Order: Denied
55.	2382CV00389	6/16/2025	Fernandez	Motion for Clarification Regarding Order Denying Motion to Intervene	6/25/2025 Order: Denied
56.	2382CV00389	6/16/2025	Fernandez	Motion for Reconsideration of Order Denying Motion to Intervene - Served with accompanying Memorandum of Law.	
57.	2382CV00389	6/21/2025	Fernandez	Notice of Appearance and Procedural Reservation by Sandra Fernandez Regarding Hearing on Motion to Intervene	
58.	2382CV00389	6/30/2025	Fernandez	Notice of Appeal (Pursuant to Mass. R. A. P. 3 and 4(a); Final Order Denying Intervention)	
59.	2382CV00389	6/30/2025	Abouelkhier	Supplemental Notice of Appeal Pursuant to Mass. R. App. P. 3 & 4	
60.	2582CV00364	6/30/2025	Abouelkhier	Renewed Special Appearance, Reservation of Rights, and Objection to Severance	
61.	2582CV00364	6/30/2025	Abouelkhier	Notice of Non-Participation in Lieu of Answer and Preservation of Appellate Rights	
62.	2582CV00364	6/30/2025	Abouelkhier	Notice of Appeal Under Special Appearance and Reservation of Rights	
63.	2382CV00389	7/10/2025	Abouelkhier	Notice of Retaliatory Default, Coercive Settlement Offer, and Demand for Judicial and Appellate Review	
64.	2382CV00389	7/10/2025	Fernandez	Notice Regarding Unauthorized Participation by Withdrawn Attorneys and Urgent Request for Court Enforcement of the Rules	
65.	2582CV00364	7/10/2025	Fernandez	Supplemental Notice of and (Renewed) Appeal Under Special Appearance and Reservation of Rights	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
66.	2582CV00364	7/10/2025	Abouelkhier	Emergency Motion to Stay Proceedings Pending Appeal - Served with accompanying Memorandum of Law.	
67.	2582CV00364	7/10/2025	Abouelkhier	Notice of Incorrect Address and Service Objection	
68.	2582CV00364	7/10/2025	Abouelkhier	Notice of Retaliatory Default and Coercive Settlement Offer	
69.	2382CV00389	7/11/2025	Abouelkhier	Renewed Motion to Compel Assembly and Transmission of the Record	
70.	2382CV00389	7/15/2025	K.F. (by Fernandez)	Motion of K.F., A Minor, by his Legal Guardian Sandra Fernandez, to Intervene - Served with accompanying Memorandum of Law.	
71.	2382CV00389	7/15/2025	Fernandez	Emergency Motion and Memorandum of Law to Strike Improper Omnibus Oppositions Filed by Jonathan Sweet and Beth Materna and by Defendants, to Add K.F., a Minor, as Intervenor, and to Schedule In-Person Hearing	
72.	2382CV00389	7/15/2025	Abouelkhier	Notice of Attorney Misconduct, Fraud on the Court, and Preservation of Record for Appellate Review	
73.	2382CV00389	7/15/2025	Abouelkhier	Special Appearance Notice of Record Preservation, Objection to Retaliatory Litigation Conduct, and Reservation of Rights	
74.	2582CV00364	7/15/2025	Abouelkhier	Notice to Transfer Case to the Appeals Court and Request for Assembly of the Record	
75.	2382CV00389	7/15/2025	Fernandez	Motion to Stay Proceedings Pending Appeal (of denial of her Motion to Intervene)	
76.	2382CV00389	7/17/2025	Abouelkhier	Notice to Transfer Case to the Appeals Court and Request for Assembly of the Record	
77.	2382CV00389	7/17/2025	Abouelkhier	Special Appearance Notice of Record Preservation, Objection to Retaliatory Litigation Conduct, and Reservation of Rights	
78.	2382CV00389	7/17/2025	Abouelkhier	Notice of Record Preservation, Objection to Retaliatory Litigation Conduct, and Reservation of Rights	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
79.	2382CV00389	7/17/2025	Fernandez	Emergency Motion to Accept Filings Nunc Pro Tunc, Vacate "Inactive" Designation, Correct Docket, and Preserve Rights for Appeal and Federal Review - Served with accompanying Memorandum of Law.	
80.	2382CV00389	7/17/2025	Fernandez	Notice of Reservation of Federal Rights and Intent to Seek Federal Review	
81.	2382CV00389	7/17/2025	Fernandez	Supplemental Notice of Ethical Objection, Conflict of Interest, and Request for Appellate Record Inclusion	
82.	2382CV00389	7/17/2025	Fernandez	Request for Assembly of the Record, Request for Transcript and Transmission to the Appeals Court	
83.	2382CV00389	7/17/2025	Abouelkhier	Emergency Motion and Memorandum for Supervisory Relief, Vacatur of Unlawful Severance, and Restoration of Appellate Access	
84.	2582CV00364	7/17/2025	Abouelkhier	Motion and Memorandum for Supervisory Relief, Vacatur of Unlawful Severance, and Restoration of Appellate Access	
85.	2182CV01044	7/21/2025	K.F. (by Fernandez)	Motion to Intervene on Behalf of Minor K.F. with Incorporated Memorandum of Law	
86.	2182CV01044	7/21/2025	K.F. (by Fernandez)	Motion for Protective Order and Request to Seal Identifying Information	
87.	2182CV01044	7/21/2025	K.F. (by Fernandez)	Federal Preservation Notice on Behalf of Minor K.F.	
88.	2382CV00389	7/21/2025	Fernandez	Notice of Appearance and Procedural Reservation by Sandra Fernandez Regarding Hearing on Motion to Intervene	
89.	2382CV00389	7/21/2025	K.F. (by Fernandez)	Omnibus Emergency Motion and Memorandum of Law in Support to Strike Unauthorized Filings, Stay Proceedings, Protect Minor Rights, Compel Disclosure, and Refer Misconduct for Review and Supervision - Served with accompanying Memorandum of Law..	
90.	2382CV00389	7/21/2025	K.F. (by Fernandez)	Notice of Insurance Disclosure and Reservation of Rights	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
91.	2382CV00389	7/21/2025	K.F. (by Fernandez)	Emergency Motion to Stay Proceedings by K.F. (Minor) - Served with accompanying Memorandum of Law.	
92.	2382CV00389	7/22/2025	Abouelkhier	Emergency Omnibus Motion and Memorandum of Law to (1) Vacate the Severance Order; (2) Reinstate Plaintiff's Party and Class Status; (3) Strike the Third Amended Complaint; and (4) Compel Assembly and Transmission of the Full Appellate Report	
93.	2382CV00389	7/22/2025	K.F. (by Fernandez)	Emergency Omnibus Motion, Memorandum to Strike, Vacate Filings, Stay Proceedings, Renew Intervention, Invoke Mandatory Protections, and Preserve All Rights	
94.	2382CV00389	7/23/2025	Fernandez	Emergency Omnibus Motion and Memorandum of Law to: (1) Reinstate party status and filings for Sandra Fernandez; (2) Vacate the severance and substitution orders as void ab initio; (3) Strike all post-discharge filings by Jonathan Sweet; (4) Strike the Second and Third Amended Complaints in their entirety; (5) Reinstate and protect minor K.F.'s intervention and rights; (6) Prevent retaliatory default and procedural manipulation; (7) Restore and protect appellate jurisdiction; (8) Compel judicial oversight and bar referral; (9) Declare all filings using Sandra or K.F. as void due to lack of consent; (10) Trigger sanctions and insurance disclosure; (11) Certify matter for appellate and federal review.	
95.	2382CV00389	7/23/2025	Fernandez	Emergency Motion to Compel Production and Docketing of Case Files, Correct Party Status, and Preserve Appellate Rights with Incorporated Memorandum of Law and Request for Judicial Review of Clerk Actions	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
96.	2382CV00389	7/24/2025	Abouelkhier	Supplemental Emergency Motion to Compel Transmission of Record, Preserve Appeal Rights, and Correct Docket Irregularities	
97.	2382CV00389	7/24/2025	K.F. (by Fernandez)	Emergency Notice and Demand for Docketing of All Filings on Behalf of Minor K.F. (Kenzo), Under Rule 17(c), Indigency Law, and Article 10 Due Process	
98.	2025-J-0519	7/24/2025	Fernandez	Emergency Motion to Compel Record Assembly and Transmittal Under Mass. R. App. P. 9(c) and Special Appearance	
99.	SJ-2025-0300	7/24/2025	Fernandez	Emergency Petition for Supervisory Relief	
100.	SJ-2025-0300	7/24/2025	K.F. (by Fernandez)	Emergency Omnibus Motion for Relief, Investigation, Redactions, and Protection of Minor Pursuant to G.L. c. 211, s. 3	9/9/2025 Judgment: "This matter came before the Court, Gaziano, J., on the petitioner's multiple papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019)." (Gaziano, J.)
101.	SJ-2025-0299	7/24/2025	Fernandez	Emergency Petition for Supervisory Relief Pursuant to G.L. c. 211, s. 3 with Certificate of Service	9/9/2025 Order: "This matter came before the Court, Gaziano, J., on the petitioner Sandra Fernandez's papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019)." (Gaziano, J.)

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
102.	2025-J-0519	7/25/2025	Fernandez	Motion to Compel Assembly and Transmission of the Record on Appeal with Incorporated Statement of Facts and Memorandum of Law	
103.	2382CV0039	7/26/2025	Fernandez	Emergency Motion for Temporary Restraining Order and Preliminary Injunction	
104.	2382CV00389	7/26/2025	Fernandez	Emergency Motion for Protective Order, to Compel Docketing, Stay Proceedings, Demand Insurance Disclosure, and Enforce State and Federal Rights	
105.	2382CV00389	7/26/2025	K.F. (by Fernandez)	Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction	
106.	2382CV00389	7/26/2025	K.F. (by Fernandez)	Emergency Motion for Protective Order to Compel Docketing, Enforce Minor Safeguards, and Preserve Federal Rights	
107.	2382CV00389	7/26/2025	K.F. (by Fernandez)	Emergency Motion to Compel Docketing, Demand Insurance Disclosure, Enjoin Retaliatory Default, and Protect the Rights of a Minor Litigant	
108.	SJ-2025-0300	7/26/2025	K.F. (by Fernandez)	Supplemental Emergency Notice and Motion to Stay Default Proceedings, Compel Docketing, and Protect a Minor Petitioner	9/9/2025 Judgment: "This matter came before the Court, Gaziano, J., on the petitioner's multiple papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019)." (Gaziano, J.)
109.	2382CV00389	7/26/2025	Abouelkhier	Ex Parte Emergency Motion for Temporary Restraining Order and Preliminary Injunction with Incorporated Memorandum of Law	
110.	2382CV00389	7/26/2025	Abouelkhier	Third Supplemental Notice of Appeal Pursuant to Mass. R. App. P. 3 and 4	
111.	2582CV00364	7/28/2025	Abouelkhier	Renewed Notice of Appeal	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
112.	2582CV00364	7/28/2025	Abouelkhier	Emergency Motion to Stay Proceedings Under Special Appearance and Protest and Memorandum of Law in Support	
113.	2382CV00389	7/28/2025	Abouelkhier	Second Notice of Appeal Pursuant to G.L. c. 231, § 118; Mass. R. App. P. 4, 10, 15, 18, 18A	
114.	2182CV01044	7/28/2025	K.F. (by Fernandez)	Ex Parte Emergency Motion for Temporary Restraining Order and Protective Intervention, with Request for Insurance Disclosure and Enforcement of Minor Rights	
115.	2182CV01044	7/28/2025	Fernandez	Emergency Ex Parte Motion for Temporary Restraining Order	
116.	2182CV01044	7/28/2025	Fernandez	Ex Parte Emergency Motion for Temporary Restraining Order and Protective Intervention, with Request for Insurance Disclosure and Enforcement of Minor Rights	
117.	2182CV01044	7/28/2025	K.F. (by Fernandez)	Notice of Insurance Disclosure and Demand for Compliance by Legal Guardian of Minor K.F.	
118.	2182CV01044	7/28/2025	Abouelkhier	Motion to Intervene (Filed Under Special Appearance With Memorandum of Law)	
119.	2182CV01044	7/28/2025	Abouelkhier	Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction with Incorporated Memorandum of Law	
120.	2382CV00389	7/28/2025	Abouelkhier	Renewed Emergency Motion for Separate and Final Judgment Under Mass R. Civ. P. 54(b); Motion to Strike Void Orders Under Rule 60(b)(4)	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
121.	SJ-2025-0300	7/28/2025	Abouelkhier	Emergency Motion to Intervene Under Special Appearance by Dany Abouelkhier to Join in Petition to Compel Docketing, Stay Retaliatory Default Proceedings, Investigate Clerk Misconduct, and Protect Intertwined Constitutional Rights	9/9/2025 Judgment: “This matter came before the Court, Gaziano, J., on the petitioner's multiple papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019).” (Gaziano, J.)
122.	2025-J-0519	7/29/2025	Fernandez	Motion to Order Assembly of the Record	8/29/2025 Order: “This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21).” (Brennan, J.).

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
123.	2025-J-0519	7/29/2025	Fernandez	Motion to Stay Under M.R.A.P. 6(a)	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
124.	2025-J-0519	7/29/2025	Fernandez	Emergency Motion to Stay Superior Court Proceedings Pending Appeal with Incorporated Memorandum of Law	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
125.	2025-J-0519	7/29/2025	Fernandez	Emergency Motion for Protective Stay Regarding Unauthorized Use of Nonparty Minor's Identity in Severed Action with Incorporated Memorandum of Law Pursuant to G.L. c. 231, s. 118	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
126.	2025-J-0519	7/29/2025	Fernandez	Emergency Motion to Compel Transmission of Case File to Appeals Court and to Protect a Minor Litigant from Retaliatory Default, Procedural Fraud, and Unlawful Waiver of Rights	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
127.	2025-J-0519	7/29/2025	Abouelkhier	Emergency Motion to Compel Transmission of Complete Superior Court Case Files, Record Materials, and Docketed Filings with Incorporated Memorandum of Law	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
128.	2382CV00389	7/30/2025	Fernandez	Supplemental Notice of Ethical Objection, Conflict of Interest, and Request for Appellate Record Inclusion Filed Under Special Appearance and Reservation of Rights Mass. R. App. P. 8, 9(c), and 10; Mass. R. Civ. P. 77; Rules of Professional Conduct 1.6, 1.7, and 1.9	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
129.	2382CV00389	7/31/2025	Fernandez	Notice of Unauthorized Settlement Demands Seeking to Waive Nonparty Rights	
130.	2025-J-0519	7/31/2025	Abouelkhier	Motion for Stay Under Mass. R. App. P. 6(a)	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
131.	2025-J-0519	7/31/2025	Fernandez	Notice to the Court Regarding Docketing Status of Filings and Request for Full Record Preservation	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
132.	SJ-2025-0300	8/1/2025	K.F. (by Fernandez)	Notice of Relevant Misconduct and Supplemental Filing on Behalf of Minor K.F.	
133.	2182CV01044	8/6/2025	Fernandez	Notice of Misconduct and Supplement to Pending Motion to Intervene on Behalf of Minor K.F.	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
134.	2182CV01044	8/6/2025	Abouelkhier	Notice of Clarification Regarding Premature Docketing of Motion to Intervene and Intent to Comply with Rule 9A	
135.	2182CV01044	8/6/2025	Abouelkhier	Motion to Intervene (Filed Under Special Appearance with Memorandum of Law)	8/20/2025 Order: Denied
136.	2025-J-0519	8/7/2025	Fernandez	Emergency Motion and Memorandum of Law to Strike Improper Omnibus Oppositions	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
137.	2025-J-0519	8/8/2025	Fernandez	Motion to Strike	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
138.	2182CV01044	8/8/2025	Fernandez	Motion to Intervene on Behalf of Minor K.F. with Incorporated Memorandum of Law (Filed Under Special Appearance and Reservation of Rights)	8/20/2025 Order: Denied
139.	2182CV01044	8/8/2025	Fernandez	Submission of Federal Preservation Notice on Behalf of Minor K.F.	8/20/2025 Order: "This purported pleading/document is nonsensical in the context of this matter. The Court shall therefore take no action."
140.	2025-J-0519	8/13/2025	Fernandez	Emergency Motion to Strike	8/29/2025 Order: "This is an ongoing civil action pending in Norfolk Superior Court. Dany Abouelkhier is a prior putative class representative. His claims have been severed from the claims of the putative class action and are pending under a separate Superior Court docket. Sandra Fenandez filed a motion to intervene that was denied by a Superior Court judge. No final judgment has entered. After review, all relief requested from the single justice, including the motions to compel assembly of the record and for a stay pending appeal, is denied for the reasons explained in the responses filed by the defendant Marina Bay Residences LLC (Papers 19 and 27) and the plaintiff Beth Materna (Paper 21)." (Brennan, J.).
141.	2382CV00389	8/14/2025	Abouelkhier	Emergency Motion to Strike or Disregard Untimely Oppositions and Preserve Record for Appeal	
142.	2382CV00389	8/14/2025	Fernandez	Emergency Motion and Memorandum to Require Hearing on Minor's Motion to Intervene Before Any Motion to Restrict Filings	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
143.	SJ-2025-0300	8/14/2025	K.F. (by Fernandez)	Supplemental Petition for Relief Under G.L. c. 211, s. 3 and Memorandum of Law	9/9/2025 Judgment: "This matter came before the Court, Gaziano, J., on the petitioner's multiple papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019)." (Gaziano, J.)
144.	SJ-2025-0299	8/14/2025	Fernandez	Omnibus Emergency Motion to Strike, for Sanctions, Protective Orders, Order to Show Cause, and Referral to the Board of Bar Overseers with Incorporated Memorandum of Law	9/9/2025 Order: "This matter came before the Court, Gaziano, J., on the petitioner Sandra Fernandez's papers, filed pro se, seeking a variety of relief pursuant to G.L. c. 211, § 3, in regard to the above-referenced trial court action. Upon consideration thereof, it is ORDERED that all requests for relief be, and the same hereby are, denied without hearing on the grounds that the requisite exceptional circumstances for superintendence relief under G.L. c. 211, § 3 are not present. Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019)." (Gaziano, J.)
145.	2382CV00389	8/15/2025	Fernandez	Emergency Motion to: (1) Strike or Disregard Untimely Oppositions Filed July 31 and August 1, 2025; (2) Correct the Docket to Reflect Original E-Filing Dates for Pre-Existing June/July Filings and Include the Clerk "Reject/Under Review" Notices in the Case File; (3) Order Immediate Assembly and Transmission of the Record Under Mass. R. App. P. 9 with Accurate Docket Entries; and (4) Enter a Record-Preservation/Anti-Alteration Order	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
146.	2382CV00389	8/28/2025	Fernandez	Motion for Class Certification Under Mass. R. Civ. P. 23, for Protective Orders, and to Preserve Minor and Absent Class Member Rights with Incorporated Memorandum of Law	
147.	2382CV00389	8/28/2025	K.F. (by Fernandez)	Notice of No Opposition by Defendants Bozzuto Management Company and Delaney Barrett to Motion for Class Certification	
148.	2582CV00364	8/28/2025	Abouelkhier	Supplemental Notice of Appeal (Filed Under Protest, Special Appearance, and Full Reservation of Rights)	
149.	2025-J-0519	9/8/2025	Abouelkhier	Motion for Panel Review of Single Justice Order	
150.	2582CV00364	9/8/2025	Abouelkhier	Notice of Non-Participation in Severed Proceeding	
151.	SJ-2025-0299	9/23/2025	Fernandez	Motion for Reconsideration of Judgment Denying Relief Under G.L. c. 211, s. 3 with Incorporated Memorandum of Law	10/15/2025 Docket Entry: "Per the within MOTION is DENIED without hearing." (Gaziano, J.)
152.	2182CV01044	9/18/2025	Abouelkhier	Notice of Interlocutory Appeal: 1. The order entered on August 20 th , 2025, denying Petitioners Motion to Intervene; and 2. The order entered on August 20 th , 2025, denying Petitioners Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction.	
153.	2182CV01044	9/19/2025	K.F. (by Fernandez)	Rule 60(b) Motion to Vacate and Re-Enter Order for Lack of Standing	
154.	2182CV01044	9/19/2025	K.F. (by Fernandez)	Motion to Compel Ruling on Pending Motion to Intervene of Minor Petitioner	
155.	2182CV01044	9/19/2025	K.F. (by Fernandez)	Notice of Appeal	
156.	2382CV00389	9/22/2025	K.F. (by Fernandez)	Supplemental Motion to Intervene, for Protective Order, and to Preserve Defendant Delaney Barrett as a Party with Incorporated Memorandum of Law	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
157.	2025-J-0519	9/23/2025	Fernandez	Motion to Enlarge Time to Seek Panel Review of the Single-Justice Order	9/24/2025 Docket Entry: “RE#33: No action will be taken on the within as this single justice matter is closed. Although the petitioner's request is unclear, to the extent that the petitioner seeks to appeal the order of the single justice dated 08/29/2025, the petitioner may file a notice of appeal pursuant to Mass. R. A. P. 3&4.”
158.	SJ-2025-0300	9/23/2025	K.F. (by Fernandez)	Motion for Reconsideration of Judgment Denying Relief Under G.L. c. 211, s. 3 with Incorporated Memorandum of Law	10/15/2025 Docket Entry: “Per the within, MOTION is DENIED without hearing.”
159.	2025-J-0519	9/29/2025	Fernandez	Notice of Appeal	
160.	2182CV01044	10/2/2025	Fernandez	Rule 60(b) Motion to Vacate and Re-Enter Order for Lack of Service - Served with accompanying Memorandum of Law.	
161.	2025-J-0519	10/3/2025	Abouelkhier	Appellant’s Motion for Leave to Docket Appeal Late (Mass. R.A.P. 10(a)(3)) – Motion and Memorandum of Law Included	10/6/2025 Docket Entry: “This case is closed. No action will be taken by the court on this or any future filing in this matter.”
162.	2025-J-0726	10/07/2025	Abouelkhier	Motion to Docket Appeal Late with Exhibits	10/15/2025 Order: “Before me is a motion for leave to docket an appeal from an 08/29/2025 order of the single justice late. After review, the plaintiff’s motion is denied without prejudice to refiling a renewed motion on or before 10/22/2025 that describes in greater detail (1) the reason(s) for the delay in docketing the appeal and (2) the anticipated appellate issues in order to establish both excusable neglect and at least one meritorious appellate issue, as required. <i>See Tisei v. Building Inspector of Marlborough</i> , 3 Mass. App. Ct. 377, 378-79 (1975). The motion shall clearly state whether the defendant received notice of assembly of the record and, if so, when that notice was received. See Mass. R. A. P. 10(a)(1)(A) (“within fourteen days after receiving from the clerk of the lower court the notice of assembly of the record, each appellant... shall pay to the clerk of the appellate court the docket fee required by law or request waiver of the fee”). (Englander, J.)

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
163.	2382CV00389	10/08/2025	Fernandez	Intervenor-Appellant Sandra Fernandez's Motion to Stay Proceedings Pending Appeal with Incorporated Memorandum of Law	
164.	2382CV00389	10/08/2025	K.F. (by Fernandez)	Emergency Motion to Compel Rulings on Pending Motions and to Protect Minor's Rights with Incorporated Memorandum of Law	
165.	2382CV00389	10/08/2025	Abouelkhier	Emergency Motion to Object and Stay Proceedings Pending Appeal under Special Appearance	
166.	2182CV01044	10/08/2025	K.F. (by Fernandez)	Emergency Motion to Stay Proceedings and to Protect the Rights of the Minor Pending Appeals Under Special Appearance with Incorporated Memorandum of Law	
167.	2025-J-0728	10/08/2025	K.F. (by Fernandez)	Emergency Petition for Relief under G.L. c. 231 § 118(1)	10/9/2025 Order: "After review, the petition pursuant to G.L. c. 231, § 118, first par. is denied as the petitioner has not demonstrated a clear error of law or an abuse of discretion. <i>See Aspinall v. Philip Morris Cos., Inc.</i> , 442 Mass. 381, 390 (2004); <i>Jet-Line Servs., Inc. v. Bd. of Selectmen of Stoughton</i> , 25 Mass. App. Ct. 645, 646 (1988)." (Englander, J.)
168.	2025-J-0728	10/08/2025	K.F. (by Fernandez)	Motion to Compel Assembly and Transmission of Record with Incorporated Memorandum of Law	10/9/2025 Order: "After review, the motion is denied. We note that on 10/9/25, the Superior Court docket entry regarding the notice of appeal was corrected to read as Notice of Appeal as to K.F. minor by his mother and legal guardian Sandra Fernandez. We also note that the time to complete the assembly of record pursuant to Mass. R. App. P. 9(e)(1) has not expired." (Englander, J.)
169.	2025-J-0728	10/08/2025	K.F. (by Fernandez)	Emergency Motion to Stay Proceedings Pending Appeal with Incorporated Memorandum of Law	
170.	2382CV00389	10/15/2025	K.F. (by Fernandez)	Motion to Enforce Minor's Rule 23 Rights, Compel Compliance, Protect Absent Putative Class Members, and Require Insurance Disclosure With Incorporated Memorandum of Law	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
171.	2182CV01044	10/16/2025	K.F. (by Fernandez)	Motion and Memorandum of Law in Reply and Clarification (in Response to Cube 3 Studio LLC's Opposition to Emergency Motion to Stay Proceedings)	
172.	2025-J-0728	10/16/2025	K.F. (by Fernandez)	Motion for Reconsideration and Clarification Pursuant to Mass. App. Ct. R. 27.0(e) (Combined Memorandum of Law and Affidavit of Facts)	
173.	2182CV01044	10/22/2025	Fernandez	Notice of Material Information Regarding Defective Materials, Architectural Liability, and Insurance Disclosure Irregularities	
174.	2382CV00389	10/22/2025	K.F. (by Fernandez)	Motion to Strike and Memorandum of Law (Regarding "Plaintiff's Opposition to the Four October 2025 Motions" filed by Jonathan D. Sweet, Esq.)	
175.	2025-J-0726	10/22/2025	Abouelkhier	Renewed Motion for Leave to Docket Appeal Late (Mass. R. A. P. 10(a)(1)(A), 14(b), and 2; <i>Tisei v. Building Inspector of Marlborough</i> , 3 Mass. App. Ct. 377 (1975))	10/28/2025 Order: "After review, the renewed motion to docket late is denied. Even assuming the plaintiff established excusable neglect for the delay, the plaintiff has failed to establish at least one meritorious appellate issue concerning the 08/29/2025 order of the single justice and none is evident on the record before me. <i>See Tisei v. Building Inspector of Marlborough</i> , 3 Mass. App. Ct. 377, 378-79 (1975)." (Englander, J.)
176.	2382CV00389	10/23/2025	K.F. (by Fernandez)	Motion to Vacate Omnibus Procedural Order No. 2, for Judicial Recusal Review, and to Stay All Case-Management Proceedings (with Incorporated Memorandum of Law)	
177.	2382CV00389	10/23/2025	Fernandez	Notice Regarding Evidentiary Filings, Insurance Investigations, and Record Preservation	
178.	2182CV01044	10/23/2025	Abouelkhier	Motion to Vacate Omnibus Procedural Order No. 2 (Docket #225) and to Strike Joint Motion (Docket #221) for Lack of Service, Notice, Jurisdiction, and Due Process (With Incorporated Memorandum of Law and Request for Expedited Relief)	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
179.	2182CV01044	10/23/2025	Abouelkhier	Opposition to Motion for Entry of Separate and Final Judgment and for Approval of Settlement as Being in Good Faith (with Incorporated Memorandum of Law)	
180.	2182CV01044	10/23/2025	Fernandez	Motion to Stay Any Settlement Proceedings, to Preserve Insurance and Appellate Rights, and to Require Transparency (with Incorporated Memorandum of Law)	
181.	2182CV01044	10/23/2025	Fernandez	Motion to Vacate Omnibus Procedural Order No. 2 for Lack of Service, Jurisdiction, and Due Process (with Incorporated Memorandum of Law)	
182.	2182CV01044	10/23/2025	Fernandez	Notice Regarding Evidentiary Filings, Insurance Investigations, and Record Preservation	
183.	2025-P-1218	10/24/2025	Fernandez	Motion to Correct and Supplement the Record (Mass. R.A.P. 8(e), 9(a)(3), and 10(a)(3)) (Combined Memorandum of Law Included)	10/24/2025 Docket Entry: “Denied without prejudice to renewal in the trial court.”
184.	2382CV00389	10/28/2025	Fernandez	Motion to Enforce Minor’s Rule 23 Rights, Compel Compliance, Protect Absent Putative Class Members, and Require Insurance Disclosure with Incorporated Memorandum of Law; Mass. R. Civ. P. 1, 9A, 17(c), 23, 24, 26(c), 77, 79; Mass. Decl. of Rights, art. 11	
185.	2182CV01044	11/1/2025	Fernandez	Notice of Material Information; Confirmation of Notification to Insurers and Lenders; Request for Stay/Disclosure Regarding Potential Sale or Transfer	
186.	2382CV00389	11/1/2025	Fernandez	Notice of Active Insurance and Lender Investigations, 2023 Financial Disclosures, and Protective-Order Misconduct	
187.	2182CV01044	11/7/2025	Abouelkhier	Motion to Compel Assembly of Record (Mass. R. A. P. 9(e))	
188.	2382CV00389	11/7/2025	K.F. (by Fernandez)	Notice of Appellate Oversight and Preservation of Record (Filed under Special Appearance; Not a General Appearance; No Consent to Jurisdiction)	

Motions and Notices Filed and/or Served by Non-Parties

#	Action	Date Filed	Author	Title	Court Action
189.	2382CV00389	11/7/2025	Fernandez	Notice of Appearance and Updated Contact Information	
190.	2582CV00364	11/7/2025	Abouelkhier	Notice of Preservation of Rights, Special Appearance, and Non-Participation	
191.	2025-P-1218	11/7/2025	Fernandez	Notice of Appearance and Updated Contact Information	
192.	2025-P-1218	11/7/2025	Fernandez	Motion and Memorandum of Law to Enlarge Time to File Appellant's Brief and Appendix	11/7/2025 Docket Entry: "RE#7: Allowed to 1/12/2026. Notice sent."

TAB C

From: [sandra fernandez](#)
To: [Mark Bodner](#); [mgrenier@grsm.com](#); [Maria.Lombardi@troutman.com](#)
Cc: [Dany Abouelkhier](#); [Michael P. Schaefer](#); [Daniel P. Dain](#); [Kate Carter](#); [Theresa A. Phinney](#); [Abigail Lafontan](#); [Gregory Sapire](#); [Jacob Farrell](#); [Raj Auila](#); [wdailey3@sloanewalsh.com](#); [Charles Rourke](#); [Matt Prunk](#); [Kelly Hogan](#); [William Fidurko](#); [Grace Garcia](#); [Stephen Troiano](#); [John.Caletri@mgclaw.com](#); [jprive@devinemillimet.com](#); [Matthew Johnson](#); [Jeffrey Adams](#); [judah.rome@troutman.com](#); [Matthew Iverson](#); [Joe Murphy](#); [Tony Agudelo](#); [Haylee Booth](#); [William Chapman](#); [Cathryn Spaulding](#); [Lynn McCarthy](#); [Jaclyn Essinger](#); [William Taylor](#); [Crystal Fritsch](#); [Christopher Sullivan](#); [Zachary Walton](#); [Kip Adams](#); [Pierre Youssef](#); [Edward D. Shoukin](#); [Lou Movitz](#); [Joseph Aronson](#); [Scott Fox](#); [Nora Adukonis](#); [Catherine DeSilvester](#)
Subject: NOTICE REGARDING EVIDENTIARY FILINGS, INSURANCE INVESTIGATIONS, AND RECORD PRESERVATION
Date: Thursday, October 23, 2025 3:34:18 PM
Attachments: [C. 10-23-25 S.F. NOTICE REGARDING EVIDENTIARY FILINGS.pdf](#)

External Email:

Attached is a Judicial Notice I filed today.

The Marina Bay dockets are being reviewed for insurance and regulatory irregularities, everything on those dockets is timestamped and evidential. Do not attempt to "clean up" the record. Any interference will be noticed and used. I'm preserving every remedy available, civil, regulatory, and criminal.

You have been put on formal notice.

Sandra F.

Sent from my iPhone

On Oct 15, 2025, at 3:12 AM, sandra fernandez <sandrev14@yahoo.com> wrote:

Good morning,

Please see attached package complete filling today.

Thank you,
S.F

<C. 10-02-25 S.F. MEMORANDUM OF LAW 2.pdf>
<C. 10-02-25 S.F. MOTION TO VACATE 2.pdf>
<C. 10-15-25 S.F. CERT. OF COMPLIANCE.pdf>

Sent from my iPhone

TAB D

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,

NOTICE REGARDING EVIDENTIARY FILINGS, INSURANCE INVESTIGATIONS,
AND RECORD PRESERVATION

The undersigned respectfully places this Court and all parties on formal and irrevocable notice that the extensive filings entered across these related dockets were not over-filings, nor were they designed to burden the Court. They were deliberate, evidentiary submissions made for the purpose of creating a certified and timestamped record of facts, misconduct, and concealment now under active investigation.

Each motion, notice, affidavit, and exhibit filed in this and related cases is an authenticated document of record, forming part of an official evidentiary chain that has been transmitted to multiple insurance carriers, coverage counsel, and regulatory authorities. These records are already being used in ongoing insurance investigations under G.L. c. 175 §112C and G.L. c. 176D, and are expected to serve as exhibits in forthcoming federal proceedings and in state and federal investigations that may reach

the Attorney General's Office, the Insurance Fraud Bureau, and criminal enforcement divisions.

Contrary to accusations or mischaracterizations, every filing made by the undersigned was purposeful, protective, and necessary to preserve evidence in the face of suppression and procedural obstruction. The filings now serve as primary, self-authenticating evidence under the Massachusetts and Federal Rules of Evidence.

The undersigned therefore requests and expects that this Court continue to docket and preserve every submission in full, without exclusion or suppression, as additional motions and notices will follow to keep the Court and all parties formally informed of each development in these investigations and any subsequent federal or criminal proceedings.

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 23, 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 23rd, 2025 a copy of the foregoing was served electronically on all counsel of record.

DEFENDANT,
MARINA BAY RESIDENCES, LLC,
BY ITS ATTORNEYS,

Daniel P. Dain, BBO# 632411
Kate Moran Carter, BBO# 663202
Dain, Torpy, Le Ray, Wiest & Garner, P.C.
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kcarter@daintorpy.com

Gregory P. Sapire (*Pro Hac Vice*)
Raj Aujla (*Pro Hac Vice*)
Maynard Nexsen P.C.
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raujla@maynardnexsen.com

DEFENDANTS,
BOZZUTO MANAGEMENT CO. and DELANEY BARRETT
BY THEIR ATTORNEYS,

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SUBSTITUTED PLAINTIFF,
BETH MATERNA BY HER ATTORNEY
Jonathan D. Sweet, Esq.
Keches Law Group P.C.
jsweet@kecheslaw.com

PRO SE LITIGANT
Dany Abouelkhier
danytaw@yahoo.com

PRO SE LITIGANT

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

TAB E

Daniel P. Dain

From: sandra fernandez <sandrea14@yahoo.com>
Sent: Thursday, August 7, 2025 2:16 PM
To: Mark Bodner
Cc: Dany Abouelkhier; Michael P. Schaefer; Daniel P. Dain; Kate Carter; Theresa A. Phinney; Abigail Lafontan; Gregory Sapire; Jacob Farrell; Raj Aujla; wdailey3@sloanewalsh.com; Charles Rourke; Matt Prunk; Kelly Hogan; William Fidurko; Grace Garcia; Stephen Troiano; John.Caletri@mgclaw.com; jprive@devinemillimet.com; Matthew Johnson; Jeffrey Adams; judah.rome@troutman.com; Matthew Iverson; Joe Murphy; Tony Agudelo; Haylee Booth; William Chapman; Cathryn Spaulding; Lynn McCarthy; Jaclyn Essinger; William Taylor; Crystal Fritsch; Christopher Sullivan; Zachary Walton; Kip Adams; Pierre Youssef; Edward D. Shoulkin; Lou Movitz; Joseph Aronson; Scott Fox; Nora Adukonis; Catherine DeSilvester
Subject: Your "Whack a doodle" Email and What It Revealed
Attachments: Exhibits Mark Whack A Doodle .pdf; C. 08-07-25 S.F. REPLY TO MARK BODNER MISCONDUCT.pdf

External Email:

Dear Mark,

Thank you for your now-notorious email, the one you attempted to recall, where you broadcast across an entire litigation thread:

"I hate dealing with whack a doodle pro se people..."

You sent that to over 30 attorneys. In a case involving structural defects, mold, flooding, and a minor child. In a litigation that has somehow avoided disclosing a single insurance policy for nearly four years.

And now you want to explain it away?

Let me respond in the way you clearly didn't expect: publicly, substantively, and with far more legal precision than your message deserved.

This is now part of the record, for the Board of Bar Overseers, the Division of Insurance, and any tribunal reviewing the procedural and ethical breakdowns in this case.

Let's begin with the language you used and the law you distorted.

1. "Whack a doodle" and "Hate" mean exactly what they sound like and you knew it

According to Oxford and Merriam-Webster dictionaries:

Whack a doodle: A derogatory term used to describe someone perceived as irrational, mentally unstable, or nonsensical. Often weaponized to dismiss and discredit.

Hate: A term of deep aversion or hostility, signaling personal animus and bias.

So when you wrote:

"I hate dealing with whack a doodle pro se people..."

...you weren't being casual. You:

Mocked a legal guardian asserting statutory rights for a minor;
Dismissed a woman demanding lawful insurance disclosures in a toxic exposure case;
And did it in front of over 30 attorneys, none of whom objected.

This wasn't a slip. It was a tactic.

Same playbook Marina Bay's used all along: when you can't argue the law, you smear the person. When the facts don't help you, you call them crazy. You drown the record in duplicative filings to bury what matters.

But filing isn't the issue, the truth is.

And now? That truth is Exhibit.

2. That wasn't a legal discussion, Mark. That was a coordinated backroom strategy session, deliberately excluding the pro se mother you were targeting to ask your opponents counsels if they'd go along with misrepresenting Massachusetts insurance law.

You didn't just "float a thought." You planted a coordinated lie:

"Do we bother to advise her 175/112C doesn't apply to us... that she is not a party as of now and has no right to this information from us?"

Let's be clear:

That wasn't a legal mistake. That was a calibrated tactic, born from over a decade of insider insurance work, deployed here to suppress my right to statutory disclosures under G.L. c. 175, § 112C, which requires, plainly and without ambiguity:

The name of the insurer
The limits of all applicable policies
And any umbrella or excess coverage
Delivered within 30 days of a written request, no party status required.

You knew it.
They knew it.
Not one of them objected.

You didn't just expose yourself.
You exposed your law firm, your clients and every attorney on that thread, by proving that even among supposed adversaries, there is no adversarial relationship when it comes to hiding the truth from a pro se litigant.

You called me "whack a doodle."
You floated a coordinated lie.
And everyone else stayed silent, because that's how this system has operated for years.

But here's where it backfired.

You didn't just send that email, you deliberately removed me from the chain, knowing exactly what you were doing.

But you mistakenly left Dany Abouelkhier on the thread.

And someone, likely one of your adversaries, realized in real time just how catastrophic your mistake was.
Someone saw the obstruction, the arrogance, and the exposure and they panicked.
Someone contacted you.
Because what you sent wasn't just rude, it was evidence of collusion, suppression, and coordinated fraud.

And you knew it.

That's why you didn't apologize.
You didn't email me directly.
You didn't correct the legal claim.
You didn't clarify your "intent."

You ran to court.
You filed a revisionist history, one that contradicted your own words, claiming:

"I attempted to recall the email solely because I did not want to educate either of the pro-se persons..."

But You failed to mention the entire sentence to conceal the facts and mislead the court as if it is a minor conduct.

"I hate dealing with whack a doodle pro se people..."

That wasn't damage control.
And let's not insult anyone's intelligence, Mark.
Who, in a million years, is going to believe you were "trying to inform me of my rights"?

You mocked me behind my back, removed me from the thread, coordinated with your so-called adversaries to misstate the law, and then, only after you got caught, ran to court and claimed you recalled the email as not to educate any pro se persons.

Please.
You recalled it because you insulted a mother seeking her injured son's rights and tried to coordinate with so called "adversaries" to strategize to how you can mislead the pro se by applying that the law does not apply to "US". But someone warned you and you tried to recall it and that's the Truth, And you failed.

Spectacularly.

That was fraud on the court Mark, a deliberate lie filed into the record to sanitize your exposure and protect everyone else in that email chain from accountability.

But you were too late.

Because that email and everything around it is now an Exhibit.

And it doesn't just prove misconduct.

It proves the very systemic collusion I've been documenting across separate court cases in relation to this matter:

Coordinated silence.

Mirrored oppositions.

Manufactured defenses.

Insurance concealment.

And parties pretending to oppose each other while working together behind the scenes even as they sue, cross-claim, and litigate on paper.

You thought no one would notice.

You thought I didn't know the law.

You thought **Zurich's** tactics could be repackaged and deployed without consequence.

You were wrong.

And now every single person who received that email is on notice.

Because the real question isn't whether you meant to insult me.

It's whether anyone on that thread is willing to lie to protect you.

Let this stand for what it is:

A recorded, time-stamped blueprint of collusion and obstruction.

One you authored.

One you tried to erase.

And one I will now use in every court, every bar complaint, every agency, and every forum where the truth still matters.

Thank you, Mark.

And thank you to whoever left Dany on the thread.

You just handed me the smoking gun.

That alone warrants sanctions.

But the bigger problem is what it reveals:

This wasn't a slip.

This wasn't personal.

This is how you operate.

This is now another case in this courtroom where I've documented:

Supposedly adverse parties colluding off-record,
Identical oppositions filed days apart or same day in some cases and even sometimes within the hour,
Years of shared silence around undisclosed insurance policies,
And parties who sue each other on paper while still collaborating on real-world projects like The Abbey
in Quincy, which includes many of the same actors.

So when I challenged Cube 3's misuse of the repose statute, you didn't try to rebut it.
You invented a new lie:
"She's not a party, so we owe her nothing."

And then you asked your fellow defendants, your supposed adversaries , if they'd all play along.

They did.

But here's what you didn't expect:

That I'd catch it.
That I'd document it.
That I'd use it , not just in this court, but wherever it matters.

You thought I didn't know my rights.
You thought I'd be intimidated.
You thought I wouldn't notice that the same silence, the same filings, and the same obstruction patterns
were repeating across cases.

You thought wrong.

And as for your insult? That wasn't the damaging part.

The insult was just noise.
The real problem , for you , is everything beneath it:

The coordination,
The arrogance,
The familiarity with everyone on that thread,
The false legal claim,
The silent complicity,
The panicked recall,
The courtroom lie.

That is an Exhibit now.

And no matter how many threads you recall, or how many judges protect you, or how many times you try
to smear me for filing too much, you are not going to erase what that email proves.

So yes, Mark , you got caught.

And no, I'm not going to stop.

Because I don't threaten. I don't smear.
I expose.

And you?

You just gave me the clearest proof yet of what I've been saying all along not just about you, but about the entire system you thought would protect you.

Thank you for the silver platter.

3. Zurich is now on notice and your premature denial is part of the record

By all indications, Zurich is the likely insurer for Marina Bay, Callahan, and possibly others in this case. Pursuant to G.L. c. 175, § 112C, I issued a written request for disclosure more than 10 days ago. The statute affords 30 days for insurers or their counsel to comply.

Rather than wait for that statutory window to lapse, you asserted that I had "no right" to the information, a claim that is legally incorrect and factually premature.

That wasn't just improper, it was revealing.

A premature denial isn't just a misstep. It suggests bad faith. It demonstrates active resistance to statutory compliance and may rise to the level of an unfair and deceptive act under G.L. c. 93A.

Accordingly, I am preparing a formal claim directly against Zurich and against any counsel or entity that obstructs compliance with § 112C.

This is now a matter of record. Noncompliance will be treated as knowing and deliberate.

4. Your Zurich ties are a conflict, not just a footnote

You served over a decade as Zurich's Assistant Vice President and Senior Trial Attorney.

Zurich is, by all public indicators, the likely insurer for multiple defendants in this litigation. And yet:

No insurance counsel has appeared
No § 112C disclosures have been produced
And you, of all people, are now minimizing disclosure obligations?

That's not just misleading. It's concealment.

How many others on this email thread have similar ties to Zurich, or other insurers?

Maybe we'll find out. Maybe I already have.

5. Your real mistake? You underestimated the wrong person

You assumed I was just “some pro se.” Someone you could mock, mislead, or ignore without consequence.

Here’s what you didn’t know:

I was born into a multinational business family spanning construction, development, banking, energy, oil and many more.

My grandfather founded in Spain one of the largest international construction firms working as of today in the U.S. as well.

So no, I’m not confused. I grew up watching how this game works.

But I’m not here to protect that world. I’m here to expose it.

Because what I hate most, more than corruption, is watching it succeed through silence and procedural abuse.

You didn’t insult a clueless litigant. You insulted someone who knows exactly how this plays and is tearing it apart, one thread at a time. No rush.

6. Your comfort gave you away and your silence sealed it

You were so at ease on that email chain, you dropped the mask entirely:

No hesitation mocking a woman advocating for a child

No fear broadcasting bias to 30 attorneys

No expectation that anyone would object, because you knew they wouldn’t.

And they didn’t.

Not one attorney corrected your misstatement of § 112C.

Not one objected to your slur.

Not one defended the statutory rights of a child.

And yet, someone clearly realized your mistake and rushed to tell you.

Your “recall” didn’t come from conscience. It came from damage control.

We’ll find out soon enough who pulled the fire alarm.

Because that silence? It’s not just unethical. It’s incriminating.

Even Attorney Kate Carter, who laughed in court on March 25, 2025 when collusion was mentioned in court filings, might want to thank you now.

We now have cases. Same pattern. Same silence. Same misconduct.

So, Ms. Carter, who’s laughing now?

They say: He who laughs first, cries last.

Let’s see how that plays out at the end.

Again Mark, thank you so much for handing me in a silver platter, I really appreciate it.

7. I'm pro se because of lawyers like you

I represent myself because too many attorneys stay quiet. They see what's happening and choose not to act.

Not me.

Most lawyers wouldn't dare say what I'm saying.

But I will. Because I don't answer to a firm. I answer to the law and to my child. No lawyer, law firm, insurance company, corporations, clerks, judges are above the law, it just takes one forum, one judge, to take a look at it and I know exactly where to go.

8. What happens now? That's out of your hands

This message, along with your original email, is preserved.

It will be:

Filed with the Board of Bar Overseers

Sent to the Division of Insurance

Cited in Federal and State proceedings involving concealment, fraud, retaliation, and civil rights violations.

And to everyone else copied here:

Your silence is part of the record.

If any of you believe I've misstated the law, or defamed anyone, please, file a lawsuit.

Because if you do, you'll finally have to disclose what you've spent four years hiding:

Your insurance coverage.

Please go ahead. Sue me

9. One final note, Mark, about names, labels, and reputations

You called me "whack a doodle."

Let's see what you call me after discovery.

After Federal court.

After the BBO and Division of Insurance finish their review.

Maybe someday, you won't call me "whack a doodle."

You'll just call me **right**.

Respectfully,

Sandra Fernandez

Legal Guardian of K.F., a Minor

Pro Se , and apparently the only one here reading, citing, and following the law.

cc: All original recipients, attached the reply to your Onmibus Opposition and Exhibits being filed today in court

Sent from my iPhone

On Aug 4, 2025, at 2:58 PM, Mark Bodner <mbodner@melicklaw.com> wrote:

All:

Attached is my response to K.F.'s Notice of Misconduct which has been e-filed with the Court.

Very truly yours,
Mark

Mark Bodner

MELICK & PORTER, LLP

One Liberty Square

Boston, MA 02109

617-502-9621 Direct Dial

978-505-8238 Cell

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<Response to Notice of Misconduct.pdf>

TAB F

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2182CV01044

SANDRA FERNANDEZ, Pro se
By Special Appearance and Reservation of Rights
Movant,

v.

MARINA BAY RESIDENCES, LLC,
Plaintiff/Co-Defendant,

v.

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

**NOTICE OF MATERIAL INFORMATION REGARDING DEFECTIVE MATERIALS,
ARCHITECTURAL LIABILITY, AND INSURANCE DISCLOSURE IRREGULARITIES**

Sandra Fernandez, appearing pro se, files this Notice to preserve the record and to place the Court and all parties on formal notice of material information concerning the construction and subsequent “remediation” of the Marina Bay project. This filing is to ensure that no “good-faith” settlement or final order is entered upon a record omitting facts that may void inspection approvals, insurance coverage, or public-safety compliance.

I. Use of Non-Compliant, Out-of-State Materials

1. Union carpenters publicly confirmed—before multiple residents—that materials used in the Marina Bay project were supplied through out-of-state

subcontractors and did not meet Massachusetts building-code standards.

2. When questioned, Chief Building Inspector James Anderson, who signed both the 2018 Certificate of Occupancy and the 2023–24 “remediation” completion, stated:

“It’s not up to me; it’s the architect. We rely on the architect to approve those materials.”

3. That admission shows municipal sign-offs were entirely derivative of the architect’s representations. If those representations were false, then every subsequent approval, warranty certification, and insurer reliance derived from them is compromised.

II. Architect of Record as Central Liability Point

4. Under Massachusetts law, the architect of record bears non-delegable responsibility to ensure design and materials conform to code.

5. Immediately after formal requests for insurance disclosures under G.L. c. 175, § 112C, Cube 3 Studio LLC—the architect of record—moved for dismissal, strongly indicating an effort to shield architectural files documenting sourcing, compliance, and inspection communications.

6. If non-compliant materials were certified by the architect, then professional-liability exposure and insurer misrepresentation exist as a matter of law.

III. Insurance-Disclosure Irregularities and Likely Scenarios

7. The persistent resistance to mandatory insurance disclosure suggests that production would reveal one or more of the following:

a. Insurers were never informed that out-of-code materials or unlicensed/out-of-state subcontractors were used—potentially voiding coverage;

b. Bodily-injury incidents were suppressed to avoid triggering liability coverage and audits; or

c. Similar practices occurred on other projects involving the same corporate network—meaning disclosure here would expose a broader pattern.

8. The coordinated effort to declare the minor “without standing” and to advance a “global” settlement before disclosure is consistent with an attempt to prevent those liabilities from maturing on the record.

IV. Coordinated Internal Litigation and Concealed Insurance Defense

9. The defendants’ pattern of “cross-litigation” (e.g., Marina Bay Residences suing Callahan, Inc. and Cube 3 Studio LLC) is not adversarial in substance; it operates as an internal risk-transfer mechanism among entities insured by or affiliated with the same coverage network.

10. On information and belief, multiple participants—including Attorney Mark S. Bodner—have long-standing professional ties to Zurich; Zurich is believed to insure Marina Bay Residences LLC, and may insure or be aligned with other related developers. This overlap raises substantial doubt that these proceedings reflect genuine litigation rather than coordinated exposure management designed to keep Zurich and other insurers off-record and un-noticed.

11. Despite years of documented injury and environmental complaints, no insurer appears on the docket. Carriers appear to be defending quietly behind the scenes, contrary to the transparency required by G.L. c. 175, § 112C.

12. The “remediation” has failed: leaks persist; mold has returned and spread. Certified laboratory reports confirm visible and airborne contamination in HVAC

systems, including within my unit. Multiple residents will testify conditions are worse now than before.

13. This matter thus exceeds a simple contract dispute. The record reflects a networked scheme of professional liability and insurer nondisclosure, with implications extending beyond state jurisdiction and potentially implicating 18 U.S.C. § 1962.

V. Resulting Legal Exposure

14. The conduct described implicates, at minimum:

- Professional-negligence / architectural-liability (Cube 3 Studio LLC);
- Construction-defect and OSHA/code violations (29 C.F.R. § 1926; 780 CMR);
- Unfair and deceptive practices (G.L. c. 93A; c. 176D);
- Fraud on insurers for concealment of material risk; and
- Potential civil RICO exposure (18 U.S.C. § 1962).

15. These are not speculative: multiple residents report identical injuries and exposure patterns. Several have initiated or are preparing filings in other jurisdictions. The emerging record reflects systemic liability—not an isolated defect.

VI. Court's "Joint Management" and Necessary Transparency

16. If the goal is coordination, the only lawful path is transparency:

- Require insured parties to identify insurers and policy limits on the public docket;
- and

- Permit injured tenants to intervene or file here, so carriers and claim files are before the Court.

17. Otherwise, "joint management" risks becoming selective consolidation that joins dockets but excludes victims—a contradiction unlikely to survive appellate review.

Any “global” resolution without notice, disclosure, or insurer participation will be subject to vacatur and federal oversight.

18. If related matters are to be combined, the Court should accept the injury cases now being prepared so the full scope of liability and coverage is visible to the public and regulators.

VII. Additional Information and Ongoing Actions

19. Because the Court has repeatedly expressed interest in my appellate, federal, and SJC filings, I inform the Court that multiple injury cases have already been filed against certain parties named herein, and additional actions are being filed today and tomorrow.

20. I am not the only individual pursuing relief: other tenants and affected residents are likewise filing personal-injury and civil complaints against many of the same defendants and related entities.

21. Zurich is the insurer for Marina Bay Residences LLC. I have successfully filed a claim with Zurich, and Zurich directed me to its Fraud Department for a full investigation into Marina Bay Residences LLC and related parties. Zurich has confirmed receipt of my certified correspondence (including docket materials) and, on information and belief, verified that no claim had been opened by Marina Bay despite knowledge of tenant injuries.

22. Liberty Mutual has likewise acknowledged receipt of my certified letters and documentation and has referred the matter for fraud/coverage investigation. Other insurers have done the same. Several tenants are opening identical claims and investigations.

23. Accordingly, the Court cannot lawfully or ethically authorize any “good-faith” settlement while multiple insurer-fraud investigations are active. This alleged pattern appears as well in The Abby project in Quincy (Suffolk Superior Court), where some defendants/plaintiffs jointly represented no injury/tort claims existed despite contrary knowledge—calculated to avoid triggering umbrella and subcontractor policies.

24. The disclosures in this Notice represent approximately ten percent of the information I possess. This is not a threat; it is a proactive warning intended to prevent the Court from ratifying a settlement that would compound existing fraud and further prejudice victims and the integrity of the judicial process.

VIII. Counsel Conduct, Conflicts, and Evidence Preservation

25. Counsel communications relevant to coverage notice/settlement coordination. On information and belief, and as corroborated by emails in my possession (available upon request), Jonathan D. Sweet of Keches Law Group, P.C., while acting as counsel in related matters, communicated that Marina Bay Residences LLC wanted Dany Abouelkhier to withdraw or forbear his claims against Marina Bay Residences LLC, Bozzuto Management Company, and Delaney Barrett, and instead align with Marina Bay to sue Callahan, Inc. Mr. Abouelkhier declined. Shortly thereafter, he was severed from the litigation posture controlled by those same interests. These communications bear directly on (i) whether insurers received prompt notice of known injury/defect claims, (ii) whether any “global” strategy sought to avoid insurer participation, and (iii) whether counsel acted with conflicts.

26. Potential rule violations (not adjudicated here). The above facts implicate the Massachusetts Rules of Professional Conduct, including Rules 1.7, 1.8(g), 1.4, 3.3, and

3.4. The Court and insurers should recognize how these issues affect the integrity of any proposed “good-faith” settlement.

27. Preservation order requested. The Court should order all parties, counsel, and agents (including Keches Law Group, P.C. and Jonathan D. Sweet) to preserve—and not delete/alter—(a) emails, texts, chats, and documents concerning insurance disclosures, claim notices, settlement strategy, severance of Mr. Abouelkhier, and communications with/about Marina Bay Residences LLC, Bozzuto Management Company, Delaney Barrett, and Callahan, Inc.; (b) communications with insurers (including Zurich and Liberty); and (c) drafts and metadata. Authority: the Court’s inherent power, Mass. R. Civ. P. 26(c), and the spoliation doctrine (ESI), with adverse-inference and sanctions available upon violation.

28. On information and belief, Attorney Sweet has repeatedly acted in ways that benefit the opposing insured defendants (Marina Bay Residences LLC, Bozzuto Management Company, Delaney Barrett, Callahan Inc., Cube 3 Studio LLC) rather than his client or the putative class: more than a year after preparing a draft Rule 23 motion, counsel has neither filed it nor pursued certification, despite promising tenants that injury actions would be filed. Instead, limitation periods for potential injury claims have been allowed to run, insulating defendants from exposure and preventing insurer notifications that certification would trigger under G.L. c. 175, § 112C and G.L. c. 176D.

29. These omissions have delayed/suppressed insurer notice, avoided disclosure of coverage layers, and facilitated settlements that omit the full scope of known liability—amounting to nondisclosure of material facts and potential fraud on insurers and the Court.

30. Evidence of attempted pre-settlement restrictions on the minor's rights.

Written communications show that, before the minor K.F. sought to intervene, Marina Bay Residences LLC, Bozzuto Management Company, and Delaney Barrett attempted to resolve any current/future claims involving the minor through Mr. Abouelkhier, without the knowledge or consent of the minor's sole legal guardian, Sandra Fernandez—using draft language that would function as a gag order on the minor, prohibiting disclosure of conditions or injuries and purporting to waive rights only a guardian or court may address. Copies will be transmitted to insurers and regulators as additional proof of deliberate concealment and manipulation of victims to suppress valid claims and prevent notice to carriers.

IX. Economic and Public-Safety Consequences of Concealed Insurance Risk

31. Had insured defendants disclosed injuries, non-compliant materials, and out-of-state subcontractors to their carriers, carriers would have been required under Massachusetts law and underwriting rules to conduct immediate audits. Those audits likely would have revealed material defects, potential code violations, and unlicensed labor, triggering coverage-rescission reviews, halting draw payments under project finance, and compelling lenders to suspend funding until insurance compliance was restored. By withholding that information, defendants prevented insurer oversight and exposed lenders and residents to ongoing risk. Any “good-faith settlement” reached without full insurance disclosure is therefore economically and legally unreliable.

32. Professional-licensing risk. Architects, engineers, and contractors who knowingly certify out-of-code work or misuse professional seals face discipline, suspension, or license revocation by the Massachusetts Boards of Registration. Such

violations are reportable under G.L. c. 112 (and related regulations), and the underlying facts here fall within those categories of professional misconduct.

X. Requests and Preservation

33. Ms. Fernandez respectfully requests that the Court refrain from endorsing, approving, or facilitating any “good-faith” settlement until full statutory insurance disclosures are made and the scope of professional-liability exposure is clarified.

34. Any order entered without that disclosure risks being void for fraud upon the tribunal and will be preserved for appellate and federal review. The Court and parties are now formally on notice.

XI. Notice to Insurers and Formal Accountability

35. A complete, executed copy of this Notice will be transmitted to all known insurance carriers, fraud-investigation departments, and the Massachusetts Division of Insurance as proof that this Court and all appearing parties have been formally informed of the coverage disputes, disclosure violations, and investigations described herein.

36. Accordingly, no party, counsel, or insurer may later claim ignorance. If the Court endorses or enforces any settlement or dismissal absent full insurer disclosure and fraud-department confirmation, such actions will be deemed knowingly undertaken with notice of potential fraud and concealment, and any resulting prejudice or void judgments will attach to those who disregarded this filing.

37. This record therefore serves as contemporaneous evidence of notice for use in pending and forthcoming state, federal, and regulatory proceedings.

38. Copies are also being transmitted to the Insurance Fraud Bureau of Massachusetts and to the Office of the Attorney General (Insurance & Financial

Services) for review/investigation under G.L. c. 266, § 111A and related statutes.

Respectfully submitted,

Sandra Fernandez, *Pro Se*

By Special Appearance and Reservation of Rights

550 Liberty St. Unit 905
Braintree, MA 02184

Tel: (617) 806 6566

Email: sandreva14@yahoo.com

Date: October 21, 2025

By: Sandra Fernandez, *Pro Se*

By Special Appearance and Reservation of Rights

/s/ Sandra Fernandez

Sandra Fernandez

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2025 a copy of the foregoing was served electronically/mail on all counsel of record.

Marina Bay Residences, LLC Daniel Dain, Esq. Abigail LaFontan, Esq. Kate Carter, Esq. Dain, Torpy, LeRay, Wiest & Garner, P.C. 175 Federal Street, Suite 1500 Boston, MA 02110 ddain@daintorpy.com alafontan@daintorpy.com kcarter@daintorpy.com	Marina Bay Residences, LLC Gregory P. Sapire, Esq. Raj Aujla, Esq. Maynard Nexsen, P.C. 2500 Bee Caves Road, Building 1, Suite 150 Austin, TX 78746 gsapire@maynardnexsen.com raujla@maynardnexsen.com
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Imperial Hammer Contracting, LLC 45 Amherst Street P.O. Box 1627 Nashua, NH 03063 Service via US Mail	Riverside Construction, Inc. Robert W. Healy, Esq. Hannah J. Buschner, Esq. Melick & Porter LLP One Liberty Square, 7th Floor Boston, MA 02109 rhealy@melicklaw.com hbuschner@melicklaw.com
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By: Sandra Fernandez Pro se
 By Special Appearance and Reservation of Rights

/s/ Sandra Fernandez
 Sandra Fernandez

TAB G

From: [sandra.fernandez](#)
To: [Mark Bodner](#); [mgrenier@grsm.com](#); [Maria.Lombardi@troutman.com](#)
Cc: [Dany Abouelkhier](#); [Michael P. Schaefer](#); [Daniel P. Dain](#); [Kate Carter](#); [Theresa A. Phinney](#); [Abigail Lafontan](#); [Gregory Sapire](#); [Jacob Farrell](#); [Raj Auila](#); [wdailey3@sloanewalsh.com](#); [Charles Rourke](#); [Matt Prunk](#); [Kelly Hogan](#); [William Fidurko](#); [Grace Garcia](#); [Stephen Troiano](#); [John.Caletri@mgclaw.com](#); [jprive@devinemillimet.com](#); [Matthew Johnson](#); [Jeffrey Adams](#); [judah.rome@troutman.com](#); [Matthew Iverson](#); [Joe Murphy](#); [Tony Agudelo](#); [Haylee Booth](#); [William Chapman](#); [Cathryn Spaulding](#); [Lynn McCarthy](#); [Jaclyn Essinger](#); [William Taylor](#); [Crystal Fritsch](#); [Christopher Sullivan](#); [Zachary Walton](#); [Kip Adams](#); [Pierre Youssef](#); [Edward D. Shoukin](#); [Lou Movitz](#); [Joseph Aronson](#); [Scott Fox](#); [Nora Adukonis](#); [Catherine DeSilvester](#)
Subject: NOTICE INSURANCE OPEN INVESTIGATIONS AND LENDER TRUIST LOAN
Date: Saturday, November 1, 2025 1:53:08 AM
Attachments: [C. 11-01-25 S.F. NOTICE OF NOTIFICATION TO INS..pdf](#)
[2023 Truist Loan amendments 2.pdf](#)

External Email:

Good evening,

Please find attached my **Notice**, with supporting exhibits, regarding the **Marina Bay Residences loan with Truist Bank**, which has been formally notified, together with documentation of the **active insurance investigations presently underway with Zurich Insurance Group and Gallagher Bassett**.

Be advised that **supplemental notices will be circulated later this week**. These will include additional insurance carriers with whom I have opened active claims. Upon the assignment of official investigators, **all counsel, parties, and affiliates will receive direct written notice**.

As many of you are already aware, **new civil actions have been filed and served** on multiple parties involved in these matters. **Further civil and federal complaints are being finalized**, and **any settlement discussions, transfers, encumbrances, or dispositions of property or assets** related to these entities **are subject to audit and investigation**.

This correspondence serves as **formal notice and preservation of rights**. The referenced investigations are **active, ongoing, and material** to all current and future proceedings involving **Marina Bay Residences, its affiliates, representatives, insurers, and counsel**. All filings, communications, and transactions may be incorporated into **regulatory, evidentiary, and judicial review**, including any examination of potential **concealment, obstruction, nondisclosure, or improper transfers**.

Additional information and supporting evidence will be disclosed progressively as investigations advance and verified materials are shared with assigned investigators and appropriate parties. Transparency will be maintained throughout the process.

Please govern yourselves accordingly.

Respectfully,
Sandra Fernandez