

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2382CV00389

DANY ABOUELKHIER, *Pro Se*,

By Special Appearance and Reservation of Rights,

Plaintiff,

v.

MARINA BAY RESIDENCES, LLC, BOZZUTO

MANAGEMENT CO., and DELANEY BARRETT,

Defendants,

NOTICE OF SPECIAL APPEARANCE

AND RESERVATION OF APPELLATE RIGHTS OF DANY ABOUELKHEIR

(For filing in ALL THREE dockets: 2382CV00389-BLS, 2384CV0064, and the Callahan case)

NOW COMES Dany Abouelkhier (“Mr. Abouelkhier”), appearing specially and for the limited purpose of protecting his appellate rights, and states as follows:

1. This appearance is SPECIAL and LIMITED ONLY.

Mr. Abouelkhier does not enter a general appearance, does not submit to the jurisdiction of this Court beyond what is required to preserve his rights, and does not waive any objections to subject-matter or personal jurisdiction.

2. Active Appeals Pending – Court Lacks Authority to Compel Participation.

Mr. Abouelkhier has active, docketed appeals presently before the Massachusetts Appeals Court arising out of:

- the severance order entered in Docket No. 2382CV00389, and
- subsequent related orders affecting his party status and legal rights.

Under established law, the Appeals Court holds exclusive jurisdiction over the matters on appeal. The trial court may not require participation, testimony, or action from an appellant that would compromise or moot ongoing appellate review.

3. No Waiver of Appeal.

Nothing in this filing, and nothing said or done in any hearing, shall constitute a waiver of:

- appellate rights,
- objections to severance,
- objections to consolidation,
- objections to improper party designations,
- or any rights preserved in the Notice of Appeal and docketed Appeals Court matters.

4. No Consent to Consolidation, Settlement, or Adjudication.

Mr. Abouelkhier expressly does not consent to:

- consolidation of any cases involving his claims,
- adjudication of any issues involving him,
- entry of any orders purporting to dispose of his rights,
- any “global” resolution,
- or any action that impacts the subject of the pending appeal.

Any attempt to do so would be void for lack of jurisdiction because the operative matters are before the Appeals Court.

5. Trial Court Cannot Alter the Status of an Appellant.

To the extent the Court schedules or conducts any hearing today, Mr. Abouelkhier appears solely to state for the record that:

- the issues concerning his severance, party status, and standing are currently under appellate review,
- and the trial court cannot require him to testify, participate, or take action without violating the jurisdiction of the Appeals Court.

6. Continuing Objection.

Mr. Abouelkhier places a continuing objection on the record to any effort to:

- treat him as a non-party,
- treat him as bound by actions of other litigants,
- extinguish his claims,
- or incorporate his rights into any consolidated or global proceeding.

All such efforts are preserved for appellate review.

7. No Waiver of Rights by Appearance.

This special appearance does not waive any rights under:

- the Massachusetts Constitution,
- the Due Process Clause,
- Mass. R. Civ. P. 52, 54, 59, 60(b),
- Mass. R.A.P. 3, 4, 6, 8, 9, 10, 15,
- or any statutory or equitable protections.

WHEREFORE, Mr. Abouelkhier files this Notice solely to protect and preserve his rights pending appellate review and respectfully requests that no action be taken that affects or purports to adjudicate his legal rights while appeals remain pending.

Respectfully submitted,
Dany Abouelkhier (Pro Se)
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Date: November 17th, 2025

/s/ **Dany Abouelkhier**
Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on November 17th, 2025 a copy of the foregoing was served electronically on all counsel of record.

DEFENDANT,
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By: Dany Abouelkhier, Filed Under Special Appearance and Reservation of All Rights,
Appellant, *PRO SE*

/s/ Dany Abouelkhier
Dany Abouelkhier