

Docketed 11/05/2025

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2382CV00389

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

v.

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

REPLY IN SUPPORT OF MOTION TO ENFORCE RULE 23 AND TO STRIKE
UNAUTHORIZED OPPOSITION

I. INTRODUCTION

This Reply addresses the so-called “Plaintiff’s Opposition to the Four October 2025 Motions” filed by Attorney Jonathan D. Sweet, a former attorney who was discharged, withdrawn by order of this Court, and who now files unauthorized pleadings under a non-existent class structure to attack a minor child whose motion has never been ruled upon.

The Court must stop permitting this pattern of misconduct. Mr. Sweet’s filing is procedurally void, constitutionally impermissible, and professionally indefensible. The only party who truly “lacks standing” is Attorney Sweet himself—not the minor whose right to be heard has been repeatedly ignored.

II. ATTORNEY SWEET LACKS STANDING AND AUTHORITY TO FILE ANYTHING

1. On February 12, 2025, Dany Abouelkhier terminated Mr. Sweet.
2. On March 25, 2025, this Court allowed his motion to withdraw, ending all representation.
3. After withdrawal, he continued filing pleadings under his former client's name, including a Third Amended Complaint filed without authorization, without signature, and without Rule 11 certification—an act void ab initio.
4. Now, months later, Mr. Sweet purports to appear again in Civil Action No. 2382CV00389 (“the 89 docket”), even though no motion for class certification has ever been filed under Rule 23. Without certification, there is no class, no representative plaintiff, and no lawful client.
5. In short: Mr. Sweet is litigating on behalf of no one. He represents a phantom plaintiff, uses the Court's docket to suppress his former clients, and recycles the same “lack-of-standing” accusation to conceal the reality that he himself has none.

III. FAILURE TO OPPOSE THE MOTION OR ADDRESS ANY MERIT

6. The opposition does not address a single paragraph of the Rule 23 motion. It cites no statute, no case law, and no factual record. It merely repeats the words “*frivolous*” and “*lack of standing*”—as though labeling were argument.
7. Under Superior Court Rule 9A(b)(5) and Rule 7(b)(2), failure to respond to the substance of a motion constitutes waiver. Thus, the Rule 23 motion stands unopposed as a matter of law.
8. If the only skill Mr. Sweet continues to demonstrate is counting motions, that is not a legal defense—it is avoidance. This Court should not tolerate a discharged

incompetent attorney whose sole contribution is an arithmetic list of filings rather than an answer to the motion before it.

IV. ATTEMPT TO GAG A MINOR IS UNLAWFUL AND UNETHICAL

9. Mr. Sweet's "opposition" functions as a de facto gag order against a child whose filings have remained pending for months without decision, even as the Court has acted on adult motions. That selective silence violates Mass. R. Civ. P. 17(c) and deprives the minor of due process and equal protection under the Fourteenth Amendment and Articles 10 and 11 of the Massachusetts Declaration of Rights.

10. Neither this Court nor any attorney may waive a minor's rights without guardian consent. Mr. Sweet's invocation of "standing" to extinguish those rights is ultra vires, unethical, and void. His conduct squarely violates Rules 1.7, 3.3, 3.4, and 8.4(d) of the Massachusetts Rules of Professional Conduct, constituting conduct prejudicial to the administration of justice.

V. PATTERN OF BAD FAITH AND COLLUSION

11. Mr. Sweet's refusal to file or respond to a Rule 23 certification motion while continuing to represent that a "class" exists shows deliberate obstruction. Certification would expose insurer relationships and coverage obligations for Marina Bay Residences LLC and Bozzuto Management.

12. By refusing certification and instead attacking the minor, Mr. Sweet protects the defendants—not the supposed plaintiffs. This is not advocacy; it is a conflict-driven effort to shield potential insurer fraud from discovery.

VI. RELIEF REQUESTED

13. Because the opposition is unauthorized, immaterial, and prejudicial, the Court

should:

- a. Strike the October 21 opposition in its entirety under Mass. R. Civ. P. 12(f);
- b. Treat the Rule 23 motion as unopposed and allow it forthwith;
- c. Issue an order under Rule 17(c) protecting the minor's right to independent

participation; and

- d. Direct that no further filings from Mr. Sweet be accepted without leave of court.

14. If Mr. Sweet wishes to respond, he should do so point-by-point on the law—not through ridicule, misdirection, or his usual practice of reciting a list of docket numbers. The Court deserves better; the minor demands it.

Respectfully submitted,

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

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

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Petitioner,

/s/ Sandra Fernandez
Sandra Fernandez