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CLERK OF THE COURTS
NORFOLK COUNTY

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT

CIVIL ACTION

No. 2182CV01044

No. 2382CV00389

No. 2582CV00364

MARINA BAY RESIDENCES, LLC

vs.

CALLAHAN, INC. ET. AL.

BETH MATERNA ET. AL.

vs.

MARINA BAY RESIDENCES, LLC ET. AL.

DANY ABOUELKHIER

vs.

MARINA BAY RESIDENCES , LLC ET. AL.

CORRECTED OMNIBUS PROCEDURAL ORDER NO. 2 - OCTOBER 10, 2025

This Procedural Order is in response to the "Joint Motion" to Revise the Court's Omnibus Procedural Order No. 1. The court now rules as follows:

1. The court **ALLOWS** only so much of the Motion to Revise the Omnibus Order No. 1 that requires consultation with, and relieves the parties of having to meet, confer or coordinate with Dany Abouelkhier, Sandra Fernandez, or their minor child for purposes of complying with the court's Omnibus Procedural Order No. 1. Currently those individuals are not properly joined and thus lack standing in the pending actions;

2. The court does contemplate a single joint status report and a single conference to review the status of these matters to determine how, specifically in what manner, they will proceed to trial. The cases may be consolidated on certain issues, or perhaps a bell weather case is tried first, or perhaps the common issues are bifurcated and are tried first and all indemnity claims segregated out of the first trial. The court will discuss these matters with the parties at the **November 17, 2025 hearing**, which shall be conducted as an IN PERSON hearing in courtroom 10;
3. The court recognizes that while the actions are not all identical, they nevertheless share certain similar issues arising from the alleged poor construction allegation and resulting water infiltration at Marina Bay Condominiums and quite possibly evidence and witnesses, therefore the court is exploring, from a judicial economy standpoint, how to manage these cases, some of which have been pending more than four years and so far show little hope of reaching a trial readiness posture, and so the court seeks to bring them to resolution;
4. The court's Procedural Order is also to address practical concerns that, for example, in any given case, the presence of third, fourth and fifth party complaints will make evidentiary rulings exceeding complex where certain evidence may be admitted as to some parties but not considered as to others or may be relevant on some issues but not as to other issues, and more importantly, it will make instructing the jury and the resulting verdict slip in those cases virtually incomprehensible, to even the most diligent of juries;
5. The court has inherent authority, and indeed the responsibility, to manage its docket to deliver "high quality justice with dignity and speed."
6. With the exception referred to in paragraph 1, the remainder of the "joint motion" to revise Omnibus Procedural Order No. 1 is **DENIED**.

/s/Rosemary Connolly
ROSEMARY CONNOLLY
Justice of the Superior Court

DATE: OCTOBER 29, 2025