

Docketed 10/6/2025

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

NORFOLK, ss

SUPERIOR COURT DEPARTMENT
Civil Action No.: 2382CV00389

Beth Materna, *et al*,

Plaintiff,

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

Defendants.

JOINT MOTION TO REVISE OMNIBUS PROCEDURAL ORDER NO. 1

As the Court knows, there are three pending matters arising out of incidents of water infiltration and required subsequent remediation work at the Meriel Marina Bay apartments in Quincy, case numbers 2182CV01044, 238CV00389, and 2582CV00364. However, other than Marina Bay Residences, LLC being a party in all three cases, the other parties are different, and the claims, defenses, and issues in the cases are different. Further, one family of litigants, Dany Abouelkhier and his wife Sandra Fernandez, acting *pro se* and already having an individual action (severed from the *Materna* action) has abused the judicial process filing over 150 motions and notices¹, improperly and unnecessarily seeking to re-insert himself in the *Materna* action and to interfere in Marina Bay Residences' case against the construction and design defendants. Yet this Court's Omnibus Procedural Order No. 1 seems to contemplate a single status conference of all parties from all three cases, and a single joint status report, which would have to be

¹ See chart at Addendum A of all Abouelkhier/Fernandez filings across the three cases, in the Appeals Court and Supreme Judicial Court, and in a new federal action they filed in the United States District Court for the District of Massachusetts.

10/10/25 The Motion is Allowed in Part and Denied in Part. See Court's procedural order No 2 dated 10/10/25. Dany Abouelkhier

coordinated among all the parties across the three cases. But coordination among all the parties, particularly with Abouelkhier, whose motion to intervene in the *Materna* action has already been denied, in three different cases to reach agreement on a single joint status report to address very different claims promises to be prohibitively cumbersome and confusing. Accordingly, the parties to this action jointly request that the parties to each of the three cases submit separate joint statements and that the court hear from the parties in the three cases serially, rather than collectively, on November 17.

A. Procedural Background: The issues and the parties in the cases are wholly different.

In 2021, Marina Bay Residences filed suit in this Court against the general contractor, Callahan, Inc., and the architect, Cube 3 Studio, LLC, of the Meriel Marina Bay apartments. The suit alleged that those defendants breached their contracts with Marina Bay Residences and were negligent in the construction and design of the buildings, forcing Marina Bay Residences to undertake a remediation project to redress the widespread water infiltration into the buildings and an anchoring issue with certain balconies. Cube 3 and Callahan answered, and Callahan filed a third-party complaint against those of its subcontractors and vendors involved in the construction of the building roofing and façade systems. There have since been fourth- and fifth-party claims brought against additional subcontractors and vendors. The parties have exchanged voluminous documents, undertaken numerous depositions, started the production of expert reports, focusing on the complex question of responsibility for the alleged design and construction defects at the buildings, and participated in two rounds of mediation (discussions from which are still ongoing).

In 2023, Keches Law brought a putative class action in this Court, civil action number 238CV00389, naming Abouelkhier as class representative, alleging that the water infiltration,

balcony issues, and the remediation construction work resulting from the alleged design and construction defects violated the terms of the tenants' leases, breached the warranty of habitability, breached the covenant of quiet enjoyment, constituted a nuisance, and violated General Laws chapter 93A. Thus, while the background to both the 2182CV01044 and 238CV00389 cases are the water infiltration and balcony issues at the Meriel Marina Bay, the proof issues are entirely different, with the first focusing on responsibilities for the issues, and the second focusing on whether and how these issues have interfered with tenancies in the buildings. Appropriately, these cases have always been treated separately by the Court and are on different tracks.

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

However, rather than pursue his individual claims in his own action, Abouelkhier and his wife Sandra Fernandez, personally and on behalf of her minor child, have filed a long series of motions pro se, in all three cases, to, among other things, (re-) insert themselves into both the 2021 construction case and the 2023 putative class action, to stay all three cases pending their inclusion, to reconsider prior rulings, and to pursue sanctions against Keches Law. Abouelkhier separately filed a notice announcing that he did not intend to participate in the 2582CV00364 severed case for his individual claims. This Court has denied all of Abouelkhier's motions on which it has acted to date, prompting Abouelkhier and Fernandez to file notices of appeal, and to

file motions directly with the Appeals Court and the Supreme Judicial Court, which in turn have denied Abouelkhier's motions. Together with Fernandez's minor child, Fernandez and Abouelkhier have served more than 150 different notices and motions (some of which they withdrew after receiving opposition briefs).

B. The cases should not be mixed.

In sum, although the three cases arise generally from the condition of the buildings and Marina Bay Residences' actions to repair them, the similarities end there. They raise different causes of action, entail different defenses, seek different damages, and are at different stages of litigation. They will not be tried together and no efficiency is gained by holding a joint scheduling conference to which all parties across all three cases must cooperate in a single joint statement. There are two primary concerns in combining the conference and the joint statement.

First, a combined joint statement risks confusing the issues. This is already evident in the Omnibus Procedural Order No. 1 which mixes up the different cases. For example, Order paragraph 2(e) states, "Is the 2182CV01044 case prepared to brief and argue the issue of class certification." There are no class claims brought in that case. The putative class action is the 238CV00389 case. Similarly, Order paragraph 2(f) states, "In 2182CV01044, for purposes of trial, the court is likely to bifurcate the liability from the indemnification claims and first try Marina Bay's liability and if a jury determines that there is liability; only then conduct one or more subsequent trials for all indemnification and contribution claims..." But Marina Bay Residences is the *plaintiff* in that case, there are no claims asserted against it. The Court appears to have conflated the 21 case with the 23 and 25 cases. Marina Bay Residences' liability is only at issue in the putative class action and in the severed claims by Abouelkhier.

Second, by directing all the parties across the three cases to cooperate in a single joint statement, Abouelkhier is given a new platform for further mischief in the two cases in which his

motions to intervene have already been denied. He, along with his wife, have repeatedly engaged in vexatious litigation tactics and have been disruptive of the cases in which they are not parties (Fernandez is not actually a party in any of the three cases). Of course, Abouelkhier has a right to participate in his own severed case (although, as noted, he has filed a notice with the court that he does not intend to do so). But compelling the other parties to work with him on a joint statement regarding actions in which he is not a party will surely prove counterproductive.

C. The Court should separate the scheduling conference and the joint statements.

To keep the issues separate and to ensure the different sets of parties can cooperate on the distinct issues in their respective cases, the three cases should be separated for purposes of preparing the joint statement and in conducting the scheduling conference on November 17, even if they are held sequentially. This will best enable the Court to assist the parties in moving all cases forward while still conserving judicial resources.

WHEREFORE, the parties request that this motion be allowed.

Respectfully submitted by:

DEFENDANT
MARINA BAY RESIDENCES, LLC,
BY ITS ATTORNEYS,

PLAINTIFF,
BY HER ATTORNEYS,

/s/ Daniel P. Dain

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DEFENDANTS,
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DELANEY BARRETT
BY THEIR ATTORNEYS,

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Dated: October 2, 2025

Certificate of Service

I, Daniel P. Dain, do hereby certify that on this 2nd day of October 2025 I served a copy of the foregoing document on all counsel and / or parties of record by electronic mail:

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/s/ Daniel P. Dain
Daniel P. Dain

ADDENDUM A

Addendum A—Motions and Notices from Dany Abouelkhier and Sandra Fernandez

#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
1.	2382CV00389	2/10/2025 5:58 p.m.	Served, not filed.	Abouelkhier	Notice of Legal Representation Changes	
2.	2382CV00389	2/10/2025 11:42 p.m.	Served, not filed.	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 3:10 a.m.	Served, not filed.	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 1:34 a.m.	Served, not filed.	Abouelkhier	Plaintiff's Emergency Motion to Stay Entry of Default - Served with accompanying Memorandum of Law.	
5.	2382CV00389	2/11/2025 12:34 a.m.	Served, not filed.	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 10:31 a.m.	Served, not filed.	Abouelkhier	Plaintiff Motion to Extend Discovery Deadline	
7.	2382CV00389	2/11/2025 10:15 a.m.	Served, not filed.	Abouelkhier	Plaintiff Motion to Compel Defendants to Prove Their Right to File Counterclaims - Served with accompanying Memorandum of Law.	
8.	2382CV00389	2/11/2025 9:25 a.m.	Served, not filed..	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 9:44 a.m.	Served, not filed.	Abouelkhier	Plaintiff Motion to Formally Remove Attorney Kenneth Quat as Counsel - Served with accompanying Memorandum of Law.	
10.	2382CV00389	2/11/2025 11:52 a.m.	Served, not filed.	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 9:40 p.m.	Served, not filed.	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.	

Addendum A—Motions and Notices from Dany Abouelkhier and Sandra Fernandez

#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
12.	2382CV00389	2/11/2025 1:13 p.m.	Served, not filed.	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 1:49 p.m.	Served, not filed.	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 12:30 p.m.	Served, not filed.	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 10:33 p.m.	Served, not filed.	Abouelkhier	Emergency Motion for a Hearing on Attorney Misconduct and Possible Collusion - Served with accompanying Memorandum of Law.	
16.	2382CV00389	2/11/2025 2:25 p.m.	Served, not filed.	Abouelkhier	Plaintiff Notice to the Court Regarding Attorney Withdrawals & Procedural Updates	
17.	2382CV00389	2/12/2025 12:52 a.m.	Served, not filed.	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.	
18.	2382CV00389	2/12/2025 1:05 a.m.	Served, not filed.	Abouelkhier	Plaintiff's Emergency Motion for Judicial Referral of Attorney Misconduct	
19.	2382CV00389	2/12/2025 1:26 a.m.	Served, not filed.	Abouelkhier	Plaintiff's Motion to Stay Attorney Withdrawal Pending Review of Misconduct	
20.	2382CV00389	2/13/2025 3:54 p.m.	Filed, not served.	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, 11:04 a.m.	Yes.	Abouelkhier	Emergency Motion to Discharge Counsel and Compel Immediate Release of Case Files	
22.	2382CV00389	3/10/2025	Yes.	Abouelkhier	Plaintiff's Expedited Request for Ruling on Emergency Motion to Discharge Counsel	

Addendum A—Motions and Notices from Dany Abouelkhier and Sandra Fernandez

#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
23.	2582CV00364	4/1/2025, 3:48 p.m.	Yes.	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, 4:08 p.m.	Yes.	Abouelkhier	Declaration of Dany Abouelkhier in Support of Objection to Severance	
25.	2382CV00389	4/14/2025, 2:09 a.m.	Yes.	Abouelkhier	Declaration of Dany Abouelkhier in Support of Objection to Severance	
26.	2382CV00389	4/14/2025, 9:39 p.m.	Yes.	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, 10:05 p.m.	Yes.	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, 2:28 a.m.	Yes.	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
29.	2382CV00389	4/15/2025, 2:28 a.m.	Yes.	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, 5:04 a.m.	Yes.	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, 12:59 a.m.	Yes.	Abouelkhier	Notice of Special Appearance, Reservation of Rights, and Objection to Default on Counterclaims	
32.	2382CV00389	4/25/2025, 1:40 p.m.	Yes.	Abouelkhier	Notice of Appeal Pursuant to Mass. R. App. P. 3 & 4	
33.	2382CV00389	4/25/2025, 1:52 p.m.	Filed, not served.	Abouelkhier	Notice of Intent to Serve and File Motions to Stay Proceedings Pending Appeal	

Addendum A—Motions and Notices from Dany Abouelkhier and Sandra Fernandez

#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
34.	2382CV00389	5/6/2025, 7:30 a.m.	Yes.	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, 3:42 a.m.	Yes.	Abouelkhier	Notice of Intent to Seek Vacatur, Preservation of Rights, and Supplemental Notice Regarding Void Orders	
36.	2582CV00364	5/6/2025, 4:54 a.m.	Yes.	Abouelkhier	Supplemental Notice of Special Appearance, Reservation of Rights, and Objection to Procedural Errors	
37.	2382CV00389	5/14/2025, 12:52 p.m.	Yes.	Abouelkhier	Notice of No Opposition to Motion to Intervene	
38.	2382CV00389	5/16/2025, 12:22 p.m.	Yes.	Fernandez	Supplemental Declaration Regarding Service, Procedural Position, and Notice of Independent Intervention	
39.	2382CV00389	5/19/2025, 12:38 p.m.	Yes.	Fernandez	Motion to Reschedule Hearing Date	5/19/2025 Order: Allowed
40.	2382CV00389	5/20/2025, 5:49 a.m.	Served, not filed.	Abouelkhier	Motion to Clarify and Correct Order Denying Motion to Stay	
41.	2382CV00389	5/20/2025, 6:46 a.m.	Yes.	Abouelkhier	Notice of Objection to Improper Pro Hac Vice and Preservation of Rights Under Special Appearance with Exhibit	
42.	2582CV00364	5/20/2025, 6:31 a.m.	Yes.	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, 2:35 a.m.	Yes.	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, 3:03 a.m.	Yes.	Abouelkhier	Supplemental Motion to Vacate Void Orders - Served with accompanying Memorandum of Law.	6/25/2025 Order: Denied
45.	2382CV00389	5/21/2025, 4:43 a.m.	Yes.	Abouelkhier	Motion to Reinstate Plaintiff's Active Status in Original Docket	6/25/2025 Order: Denied
46.	2382CV00389	5/21/2025, 3:57 a.m.	Yes.	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, 4:57 a.m.	Yes.	Abouelkhier	Motion for Entry of Final Judgment Under Mass. R. Civ. P. 54(b) - Served with accompanying Memorandum of Law.	

Addendum A—Motions and Notices from Dany Abouelkhier and Sandra Fernandez

#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
48.	2382CV00389	5/21/2025, 5:34 a.m.	Yes.	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, 6:11 a.m.	Yes.	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, 7:20 a.m.	Yes.	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, 4:01 p.m.	Yes.	Abouelkhier	Supplemental Notice Regarding Transcript Filing and Request to Defer Record Transmission Pending Rule 54(b) Ruling	
52.	2382CV00389	5/23/2025, 4:27 p.m.	Yes.	Abouelkhier	Motion for Clarification of Severance, Standing, and Procedural Effect of Prior Orders	6/25/2025 Order: Denied
53.	2382CV00389	6/3/2025, 5:14 p.m.	Yes.	Abouelkhier	Notice of Service and Inability to Participate in June 3, 2025 Hearing	
54.	2382CV00389	6/16/2025, 4:14 p.m.	Yes.	Fernandez	Emergency Motion for Protective Relief - Served with accompanying Memorandum of Law.	6/25/2025 Order: Denied
55.	2382CV00389	6/16/2025, 3:51 p.m.	Yes.	Fernandez	Motion for Clarification Regarding Order Denying Motion to Intervene	6/25/2025 Order: Denied
56.	2382CV00389	6/16/2025, 4:14 p.m.	Yes.	Fernandez	Motion for Reconsideration of Order Denying Motion to Intervene - Served with accompanying Memorandum of Law.	
57.	2382CV00389	6/21/2025	Yes	Fernandez	Notice of Appearance and Procedural Reservation by Sandra Fernandez Regarding Hearing on Motion to Intervene	
58.	2382CV00389	6/30/2025, 1:34 p.m.	Yes.	Fernandez	Notice of Appeal (Pursuant to Mass. R. A. P. 3 and 4(a); Final Order Denying Intervention)	
59.	2382CV00389	6/30/2025, 1:22 p.m.	Yes.	Abouelkhier	Supplemental Notice of Appeal Pursuant to Mass. R. App. P. 3 & 4	
60.	2582CV00364	6/30/2025, 1:17 p.m.	Yes.	Abouelkhier	Renewed Special Appearance, Reservation of Rights, and Objection to Severance	
61.	2582CV00364	6/30/2025, 1:18 p.m.	Yes.	Abouelkhier	Notice of Non-Participation in Lieu of Answer and Preservation of Appellate Rights	

Addendum A—Motions and Notices from Dany Abouelkhier and Sandra Fernandez

#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
62.	2582CV00364	6/30/2025, 1:20 p.m.	Yes.	Abouelkhier	Notice of Appeal Under Special Appearance and Reservation of Rights	
63.	2382CV00389	7/10/2025, 11:42 p.m.	Yes.	Abouelkhier	Notice of Retaliatory Default, Coercive Settlement Offer, and Demand for Judicial and Appellate Review	
64.	2382CV00389	7/10/2025	Yes.	Fernandez	Notice Regarding Unauthorized Participation by Withdrawn Attorneys and Urgent Request for Court Enforcement of the Rules	
65.	2582CV00364	7/10/2025, 9:55 p.m.	Yes.	Fernandez	Supplemental Notice of and (Renewed) Appeal Under Special Appearance and Reservation of Rights	
66.	2582CV00364	7/10/2025, 10:29 p.m.	Yes.	Abouelkhier	Emergency Motion to Stay Proceedings Pending Appeal - Served with accompanying Memorandum of Law.	
67.	2582CV00364	7/10/2025, 10:37 p.m.	Yes.	Abouelkhier	Notice of Incorrect Address and Service Objection	
68.	2582CV00364	7/10/2025, 10:47 p.m.	Yes.	Abouelkhier	Notice of Retaliatory Default and Coercive Settlement Offer	
69.	2382CV00389	7/11/2025, 12:50 a.m.	Yes.	Abouelkhier	Renewed Motion to Compel Assembly and Transmission of the Record	
70.	2382CV00389	7/15/2025	Yes.	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	Yes.	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	Yes.	Abouelkhier	Notice of Attorney Misconduct, Fraud on the Court, and Preservation of Record for Appellate Review	
73.	2382CV00389	7/15/2025	Yes.	Abouelkhier	Special Appearance Notice of Record Preservation, Objection to Retaliatory Litigation Conduct, and Reservation of Rights	
74.	2582CV00364	7/15/2025	Yes.	Abouelkhier	Notice to Transfer Case to the Appeals Court and Request for Assembly of the Record	
75.	2382CV00389	7/15/2025, 1:53 p.m.	Yes.	Fernandez	Motion to Stay Proceedings Pending Appeal (of denial of her Motion to Intervene)	

Addendum A—Motions and Notices from Dany Abouelkhier and Sandra Fernandez

#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
76.	2382CV00389	7/17/2025	Yes.	Abouelkhier	Notice to Transfer Case to the Appeals Court and Request for Assembly of the Record	
77.	2382CV00389	7/17/2025	Yes.	Abouelkhier	Special Appearance Notice of Record Preservation, Objection to Retaliatory Litigation Conduct, and Reservation of Rights	
78.	2382CV00389	7/17/2025	Yes.	Abouelkhier	Notice of Record Preservation, Objection to Retaliatory Litigation Conduct, and Reservation of Rights	
79.	2382CV00389	7/17/2025	Yes.	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	Yes.	Fernandez	Notice of Reservation of Federal Rights and Intent to Seek Federal Review	
81.	2382CV00389	7/17/2025	Yes.	Fernandez	Supplemental Notice of Ethical Objection, Conflict of Interest, and Request for Appellate Record Inclusion	
82.	2382CV00389	7/17/2025	Yes.	Fernandez	Request for Assembly of the Record, Request for Transcript and Transmission to the Appeals Court	
83.	2382CV00389	7/17/2025	Yes.	Abouelkhier	Emergency Motion and Memorandum for Supervisory Relief, Vacatur of Unlawful Severance, and Restoration of Appellate Access	
84.	2582CV00364	7/17/2025, 3:50 p.m.	Filed, not served.	Abouelkhier	Motion and Memorandum for Supervisory Relief, Vacatur of Unlawful Severance, and Restoration of Appellate Access	
85.	2182CV01044	7/21/2025	Yes.	K.F. (by Fernandez)	Motion to Intervene on Behalf of Minor K.F. with Incorporated Memorandum of Law	
86.	2182CV01044	7/21/2025	Served, not filed.	K.F. (by Fernandez)	Motion for Protective Order and Request to Seal Identifying Information	
87.	2182CV01044	7/21/2025	Served, not filed.	K.F. (by Fernandez)	Federal Preservation Notice on Behalf of Minor K.F.	
88.	2382CV00389	7/21/2025	Yes.	Fernandez	Notice of Appearance and Procedural Reservation by Sandra Fernandez Regarding Hearing on Motion to Intervene	

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#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
89.	2382CV00389	7/21/2025	Served, not filed.	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	Yes.	K.F. (by Fernandez)	Notice of Insurance Disclosure and Reservation of Rights	
91.	2382CV00389	7/21/2025	Yes.	K.F. (by Fernandez)	Emergency Motion to Stay Proceedings by K.F. (Minor) - Served with accompanying Memorandum of Law.	
92.	2382CV00389	7/22/2025	Filed, not served.	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	Yes.	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, 3:10 a.m.	Yes.	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.	

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#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
95.	2382CV00389	7/23/2025, 4:46 p.m.	Yes.	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	
96.	2382CV00389	7/24/2025, 3:59 a.m.	Yes.	Abouelkhier	Supplemental Emergency Motion to Compel Transmission of Record, Preserve Appeal Rights, and Correct Docket Irregularities	
97.	2382CV00389	7/24/2025	Yes.	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	Yes.	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	Yes.	Fernandez	Emergency Petition for Supervisory Relief	
100.	SJ-2025-0300	7/24/2025	Yes.	K.F. (by Fernandez)	Emergency Omnibus Motion for Relief, Investigation, Redactions, and Protection of Minor	
101.	SJ-2025-0300	7/24/2025	Yes.	Fernandez	Motion of Indigency to Waive Fees and Costs	
102.	SJ-2025-0299	7/24/2025	Filed, not served.	Fernandez	Affidavit of Indigency Request for Waiver, Substitution of State Payment Fees & Costs	7/24/2025: Impounded.
103.	SJ-2025-0299	7/24/2025	Yes.	Fernandez	Emergency Petition for Supervisory Relief Pursuant to G.L. c. 211, s. 3 with Certificate of Service	9/9/2025: Judgment denying all relief requested. (Gaziano, J.)
104.	2025-J-0519	7/25/2025	Yes.	Fernandez	Motion to Compel Assembly and Transmission of the Record on Appeal with Incorporated Statement of Facts and Memorandum of Law	
105.	2382CV0039	7/26/2025, 5:15 p.m.	Filed, not served.	Fernandez	Emergency Motion for Temporary Restraining Order and Preliminary Injunction	
106.	2382CV00389	7/26/2025, 5:26 p.m.	Yes.	Fernandez	Emergency Motion for Protective Order, to Compel Docketing, Stay Proceedings, Demand Insurance Disclosure, and Enforce State and Federal Rights	
107.	2382CV00389	7/26/2025, 5:38 p.m.	Filed, not served.	K.F. (by Fernandez)	Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction	

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#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
108.	2382CV00389	7/26/2025, 5:42 p.m.	Yes.	K.F. (by Fernandez)	Emergency Motion for Protective Order to Compel Docketing, Enforce Minor Safeguards, and Preserve Federal Rights	
109.	2382CV00389	7/26/2025, 5:54 p.m.	Yes.	K.F. (by Fernandez)	Emergency Motion to Compel Docketing, Demand Insurance Disclosure, Enjoin Retaliatory Default, and Protect the Rights of a Minor Litigant	
110.	SJ-2025-0300	7/26/2025, 6:36 p.m.	Yes.	K.F. (by Fernandez)	Supplemental Emergency Notice and Motion to Stay Default Proceedings, Compel Docketing, and Protect a Minor Petitioner	
111.	2382CV00389	7/26/2025, 8:03 p.m.	Yes.	Abouelkhier	Ex Parte Emergency Motion for Temporary Restraining Order and Preliminary Injunction with Incorporated Memorandum of Law	
112.	2382CV00389	7/26/2025, 8:03 p.m.	Yes.	Abouelkhier	Third Supplemental Notice of Appeal Pursuant to Mass. R. App. P. 3 and 4	
113.	2582CV00364	7/28/2025, 12:00 a.m.	Yes.	Abouelkhier	Renewed Notice of Appeal	
114.	2582CV00364	7/28/2025, 12:00 a.m.	Yes.	Abouelkhier	Emergency Motion to Stay Proceedings Under Special Appearance and Protest and Memorandum of Law in Support	
115.	2382CV00389	7/28/2025, 12:00 a.m.	Yes.	Abouelkhier	Second Notice of Appeal Pursuant to G.L. c. 231, § 118; Mass. R. App. P. 4, 10, 15, 18, 18A	
116.	2182CV01044	7/28/2025, 3:19 a.m.	Yes.	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	
117.	2182CV01044	7/28/2025, 5:03 a.m.	Yes.	Fernandez	Emergency Ex Parte Motion for Temporary Restraining Order	
118.	2182CV01044	7/28/2025, 5:03 a.m.	Yes.	Fernandez	Ex Parte Emergency Motion for Temporary Restraining Order and Protective Intervention, with Request for Insurance Disclosure and Enforcement of Minor Rights	
119.	2182CV01044	7/28/2025, 5:42 a.m.	Yes.	K.F. (by Fernandez)	Notice of Insurance Disclosure and Demand for Compliance by Legal Guardian of Minor K.F.	
120.	2182CV01044	7/28/2025, 6:31 a.m.	Yes.	Abouelkhier	Motion to Intervene (Filed Under Special Appearance With Memorandum of Law)	
121.	2182CV01044	7/28/2025, 6:31 a.m.	Yes.	Abouelkhier	Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction with Incorporated Memorandum of Law	

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#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
122.	2382CV00389	7/28/2025, 6:52 a.m.	Yes.	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)	
123.	SJ-2025-0300	7/28/2025, 4:43 p.m.	Yes.	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	
124.	2025-J-0519	7/29/2025	Yes.	Fernandez	Motion to Order Assembly of the Record	
125.	2025-J-0519	7/29/2025	Yes.	Fernandez	Motion to Stay Under M.R.A.P. 6(a)	
126.	2025-J-0519	7/29/2025, 12:22 p.m.	Yes.	Fernandez	Emergency Motion to Stay Superior Court Proceedings Pending Appeal with Incorporated Memorandum of Law	
127.	2025-J-0519	7/29/2025, 2:17 p.m.	Yes.	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	
128.	2025-J-0519	7/29/2025, 4:14 p.m.	Yes.	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	
129.	2025-J-0519	7/29/2025, 4:22 p.m.	Yes.	Abouelkhier	Emergency Motion to Compel Transmission of Complete Superior Court Case Files, Record Materials, and Docketed Filings with Incorporated Memorandum of Law	
130.	2382CV00389	7/11/2025	Yes.	Fernandez	Notice of Unauthorized Settlement Demands Seeking to Waive Nonparty Rights	
131.	2025-J-0519	7/31/2025	Filed, not served.	Abouelkhier	Motion for Stay Under Mass. R. App. P. 6(a)	
132.	2025-J-0519	7/31/2025	Filed, not served.	Fernandez	Notice to the Court Regarding Docketing Status of Filings and Request for Full Record Preservation	
133.	SJ-2025-0300	8/1/2025	Yes.	K.F. (by Fernandez)	Notice of Relevant Misconduct and Supplemental Filing on Behalf of Minor K.F.	
134.	2182CV01044	8/6/2025	Served, not filed.	Fernandez	Notice of Misconduct and Supplement to Pending Motion to Intervene on Behalf of Minor K.F.	

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#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
135.	2182CV01044	8/6/2025	Filed, not served.	Abouelkhier	Notice of Clarification Regarding Premature Docketing of Motion to Intervene and Intent to Comply with Rule 9A	
136.	2182CV01044	8/6/2025	Yes.	Abouelkhier	Motion to Intervene (Filed Under Special Appearance with Memorandum of Law)	8/20/2025 Order: Denied
137.	2025-J-0519	8/7/2025	Yes.	Fernandez	Emergency Motion and Memorandum of Law to Strike Improper Omnibus Oppositions	
138.	2025-J-0519	8/8/2025	Yes.	Fernandez	Motion to Strike	
139.	2182CV01044	8/8/2025	Yes.	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
140.	2182CV01044	8/8/2025	Filed, not served.	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."
141.	2025-J-0519	8/13/2025	Yes.	Fernandez	Emergency Motion to Strike	
142.	2382CV00389	8/14/2025	Yes.	Abouelkhier	Emergency Motion to Strike or Disregard Untimely Oppositions and Preserve Record for Appeal	
143.	2382CV00389	8/14/2025	Filed, not served.	Fernandez	Emergency Motion and Memorandum to Require Hearing on Minor's Motion to Intervene Before Any Motion to Restrict Filings	
144.	SJ-2025-0300	8/14/2025	Yes.	K.F. (by Fernandez)	Supplemental Petition for Relief Under G.L. c. 211, s. 3 and Memorandum of Law	
145.	SJ-2025-0299	8/14/2025	Yes.	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	

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#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
146.	2382CV00389	8/15/2025	Filed, not served.	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	
147.	2582CV00364	8/28/2025, 5:46 a.m.	Yes.	Abouelkhier	Supplemental Notice of Appeal (Filed Under Protest, Special Appearance, and Full Reservation of Rights)	
148.	2025-J-0519	9/8/2025	Yes.	Abouelkhier	Motion for Panel Review of Single Justice Order	
149.	2582CV00364	9/8/2025	Yes.	Abouelkhier	Notice of Non-Participation in Severed Proceeding	
150.	2182CV01044	9/18/2025	Yes.	Abouelkhier	Notice of Interlocutory Appeal: 1. The order entered on August 20 th , 2025, denying Petitioners Motion to Intervene; and The order entered on August 20 th , 2025, denying Petitioners Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction.	
151.	2182CV01044	9/19/2025	Yes.	K.F. (by Fernandez)	Rule 60(b) Motion to Vacate and Re-Enter Order for Lack of Standing	
152.	2182CV01044	9/19/2025	Yes.	K.F. (by Fernandez)	Motion to Compel Ruling on Pending Motion to Intervene of Minor Petitioner	
153.	2182CV01044	9/19/2025	Served, not filed.	K.F. (by Fernandez)	Notice of Appeal	
154.	2382CV00389	9/22/2025	Yes.	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	
155.	2382CV00389	9/22/2025	Yes.	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	

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#	Action	Date Filed/Served	Both Filed and Served?	Author	Title	Court Action
156.	2382CV00389	9/22/2025	Yes.	K.F. (by Fernandez)	Notice of No Opposition by Defendants Bozzuto Management Company and Delaney Barrett to Motion for Class Certification	
157.	2025-J-0519	9/23/2025	Yes.	Fernandez	Motion to Enlarge Time to Seek Panel Review of the Single-Justice Order	
158.	SJ-2025-0300	9/23/2025	Yes.	K.F. (by Fernandez)	Motion for Reconsideration of Judgment Denying Relief Under G.L. c. 211, s. 3 with Incorporated Memorandum of Law	
159.	SJ-2025-0299	9/23/2025	Yes.	Fernandez	Motion for Reconsideration of Judgment Denying Relief Under G.L. c. 211, s. 3 with Incorporated Memorandum of Law	
160.	2025-J-0519	9/29/2025	Yes	Fernandez	Notice of Appeal	
161.	2182CV01044	10/2/2025	Served, not filed.	Fernandez	Rule 60(b) Motion to Vacate and Re-Enter Order for Lack of Service - Served with accompanying Memorandum of Law.	