

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

SUFFOLK, ss.

Civil Action No. 2484CV02931-H

DANY ABOUELHKIER,

Plaintiff / Defendant-in-Counterclaim,
v.

VIRTUAL FULFILLMENT CENTER, LLC,
MOHAMED KASSEM,
OMAR NEAMATALLA,
MOHAMED ALI, and
AHMED KASEM,
Defendants / Plaintiffs-in-Counterclaim.

**AFFIDAVIT OF DANY ABOUELKHIER IN SUPPORT OF REPLY TO
OPPOSITION AND MOTION TO STRIKE**

I, Dany Abouelkhier, hereby swear and affirm under the pains and penalties of perjury as follows:

1. I am the Plaintiff and Defendant-in-Counterclaim in this matter, proceeding pro se.
2. This action was filed solely for equitable relief in the form of a Temporary Restraining Order and Preliminary Injunction under Rule 65 of the Massachusetts Rules of Civil Procedure.
3. On November 14, 2024, a hearing was held before the Honorable Judge Ullmann. Both parties, including the Defendants represented by Attorney Alexander W.

Levine, were present and heard. The judge explicitly ruled that the claims raised by both parties were not appropriate for this docket, and that they must be pursued separately. The ruling was without prejudice.

4. On March 17, 2025, I filed a **Motion for Extension of Time to Take Appropriate Action** regarding the counterclaims filed by Defendants. I did not, at any point, request additional time to “answer” the counterclaims. The motion specifically stated that I was seeking a “ Motion for extension”.

5. On January 22, 2025 I served a Chapter 93A demand letter in accordance with Massachusetts law and informed the Defendants of my intent to file a separate civil action, in compliance with the Court’s instruction. I was following the Court’s directive, not attempting to delay or avoid proceedings.

6. The Defendants’ counterclaims were filed three months after their initial appearance and without a motion for leave, affidavit, or justification. Their filing violates both Rule 13(a) and Rule 15(a) of the Massachusetts Rules of Civil Procedure.

7. The Defendants are now attempting to force me to respond to those counterclaims in a forum that is procedurally and jurisdictionally inappropriate, for the purpose of prejudicing my ability to pursue valid claims for damages in a separate civil action.

8. Attorney Levine’s repeated false assertions — including that settlement discussions occurred, and that I should have filed for default — are knowingly misleading and intended to distort the record.

9. Attorney Levine is the founder and principal of River Street Law and has been practicing Law since 2013. He is not a novice attorney. He knows the rules of civil

procedure and the ethical standards required in Massachusetts litigation as he states it in his website.

10. I respectfully request that this Court strike the Defendants' counterclaims and deny their cross-motion, as their conduct is a clear abuse of process and a direct violation of this Court's November 14, 2024 ruling.

Signed under the pains and penalties of perjury this 17th day of April 2025.

Respectfully submitted,

Dany Abouelkhier (Pro Se)

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Date: April 17, 2025

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)