

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

SUFFOLK, ss.

Civil Action No. 2484CV02931

DANY ABOUELHKIER, Pro Se
Plaintiff,

v.

VIRTUAL FULFILLMENT CENTER, LLC,
MOHAMED KASSEM,
OMAR NEAMATALLA,
MOHAMED ALI, and
AHMED KASEM,
Defendants.

DEFENDANT-IN-COUNTERCLAIM'S ANSWER TO COUNTERCLAIMS

NOW COMES Defendant-in-Counterclaim Dany Abouelkhier ("Defendant"), by and through himself, without waiving any defenses, and hereby answers the Counterclaims dated September 29, 2025, asserts his affirmative defenses, and demands trial by jury, as follows:

GENERAL RESPONSE

Unless expressly admitted herein, Defendant denies each and every allegation contained in the Counterclaims.

RESPONSES TO NUMBERED PARAGRAPHS

1. Admitted as to the existence of Virtual Fulfillment Center, LLC as a Massachusetts limited liability company.
2. Admitted as to the identity of Mohamed Kassem and that he is listed in public filings as a manager. Remaining allegations denied.

3. Admitted as to identity and public filings only. Remaining allegations denied.
4. Admitted as to identity and public filings only. Remaining allegations denied.
5. Admitted as to identity and public filings only. Remaining allegations denied.
6. Admitted.
7. Admitted that VFC was formed on or about January 12, 2023. Remaining allegations denied.
8. Admitted.
9. Admitted that additional individuals were added as managers in filings.
10. Admitted.
11. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations regarding capital contributions and therefore denies the same.
12. Denied.
13. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies the same.
14. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies the same.
15. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies the same.
16. Denied.
17. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies the same.

18. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies the same.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Admitted that a vehicle lease was entered into. Remaining allegations denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Admitted that the referenced application form contains language regarding disclosure of indirect interests. Remaining allegations denied.

34. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies the same.

35. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies the same.

36. Admitted that Defendant transmitted application materials to the City. Remaining allegations denied.

37. Denied.

38. Admitted that the referenced litigation is pending. Remaining allegations denied.

39. Admitted that Defendant sent written correspondence in or about October 2024.

Remaining allegations denied.

40. Denied.

41. Denied.

42. Denied.

43. Admitted that a filing was made with the Secretary of State purporting to remove Defendant as manager. Remaining allegations denied.

44. Admitted that Defendant received correspondence dated October 31, 2024.

Remaining allegations denied.

45. Denied.

46. Admitted that Defendant communicated with representatives of the City of Boston.

Remaining allegations denied.

47. Denied.

48. Denied.

49. Denied. Defendant further states that the Company Vehicle is not presently in his possession.

50. Admitted that Defendant has experience in the restaurant industry. Remaining allegations denied.

51. Denied.

52. Denied.

53. Denied.

RESPONSES TO COUNTS

COUNT I – Declaratory Judgment (§§ 54–60)

54. The allegations are incorporated as set forth above.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied. Defendant further states that the Company Vehicle is not presently in his possession.

COUNT II – Injunctive Relief (§§ 61–67)

61. The allegations are incorporated as set forth above.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

COUNT III – Breach of Contract (§§ 68–71)

- 68. The allegations are incorporated as set forth above.
- 69. Denied.
- 70. Denied.
- 71. Denied.

COUNT IV – Breach of Implied Covenant (§§ 72–75)

- 72. The allegations are incorporated as set forth above.
- 73. Denied.
- 74. Denied.
- 75. Denied.

COUNT V – Fraud, Misrepresentation, and Deceit (§§ 76–81)

- 76. The allegations are incorporated as set forth above.
- 77. Denied.
- 78. Denied.
- 79. Denied.
- 80. Denied.
- 81. Denied.

COUNT VI – Tortious Interference (§§ 82–84)

- 82. The allegations are incorporated as set forth above.
- 83. Denied.
- 84. Denied.

COUNT VII – Defamation (§§ 85–87)

85. The allegations are incorporated as set forth above.

86. Denied.

87. Denied.

COUNT VIII – Violation of G.L. c. 93A (§§ 88–94)

88. The allegations are incorporated as set forth above.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

COUNT IX – Conversion (§§ 95–100)

95. The allegations are incorporated as set forth above.

96. Denied.

97. Denied.

98. Denied.

99. Denied. Defendant further states that the Company Vehicle is not presently in his possession.

100. Denied.

AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses:

1. Failure to state a claim upon which relief can be granted.
2. Lack of standing.
3. Lack of capacity or lawful authority to assert claims on behalf of VFC.
4. Estoppel and judicial estoppel.
5. Waiver and ratification.
6. Unclean hands.
7. Truth and applicable privileges.
8. Petitioning and litigation privilege.
9. Failure to plead fraud with particularity under Mass. R. Civ. P. 9(b).
10. Lack of causation and damages.
11. Setoff and recoupment.
12. Reservation of the right to assert additional defenses as discovery proceeds.

JURY DEMAND

Defendant demands trial by jury on all issues so triable.

Respectfully submitted,

Dany Abouelkhier (Pro Se)

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Date: February 24, 2026

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2026 a copy of the foregoing was served via electronic mail on all counsel of record.

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Respectfully submitted,

Dany Abouelkhier, appearing pro se

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)