

HOUSING COURT DEPARTMENT

MetroSouth Division

Docket no: 24H82SP01628

County: _____

Plaintiff(s): Marina bay residences, LLC

vs.

Defendant(s): Dany Abouelkhier

MOTION

I, Dany Abouelkhier, the undersigned, hereby move this honorable Court to
Motion for leave to file late answer and counterclaim and
pause proceedings.

In support of this motion I provide the following information:

1. Circumstances for Delay: The defendant's answer and counterclaim were due to be filed three business days prior to the court date of July 23rd. Due to an error in calculating the deadline that the filing was Friday July 19th. The Defendant believed this to be the correct date. This misunderstanding resulted in the Defendant's missing the actual filing date.
2. No Prejudice to plaintiff: Granting this motion will not result in prejudice to the Plaintiff. The delay in filing is minimal, and the Plaintiff will have ample opportunity to respond to the defendant's answer and counterclaim.

☒ I gave a copy of this motion to TED PAPAIOANOU on 07/26/2024

Signature

DANY ABOUELKHIER
Printed Name

Phone

DANYTANA@YAHOO.COM
E-mail

Date:

The court rules and orders as follows:

So Ordered: _____

Date: _____

3. Interest of Justice: It is in the interest of justice to allow the defendant to present his answer and counterclaim. The Defendant is acting in good faith and is committed to addressing the issues raised in the eviction proceedings and the related class action lawsuit.

4. Meritorious Defense and claims: The Defendant has Meritorious defenses and counterclaims which he should be allowed to present to the court. These include significant issues related to conflicts of interest, breach of tenants rights, and procedural concerns that are critical to the fair adjudication of this matter.

5. Commitment of Proceedings: The Defendant is willing to cancel his business trip scheduled for August 6th to ensure full participation in the proceedings and to demonstrate his commitment to resolving the issues at hand.

6. Request for Jury Trial: The Defendant has requested a jury trial to ensure that his case is heard and decided fairly, which is his right under the law.

7. Conflict of Interest: The Defendant is the lead plaintiff in the class action lawsuit against the management and owners of the building, which includes the unit involved in this eviction case. The Defendant believes that pursuing this eviction case in the housing court represents a conflict of interest given his role in the class action lawsuit and the involvement of the same unit.

8. Request of Pause Proceedings: Given the critical nature of the class action lawsuit and its potential impact on the eviction case, the defendant respectfully requests that this court pause the eviction proceedings until the class action lawsuit is concluded. This will ensure that the issues are fully resolved and that the Defendant's rights are adequately protected.

Dany Abouelkhier

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