

Metro South Housing Court

Case No.: 24H82SP01628

Counterclaim and Request for Extension

2024 JUL 19 P 3:50
METRO SOUTH
HOUSING COURT

To the Honorable Judge:

I, Dany Abouelkhier, a leaseholder in the above-captioned eviction case, respectfully submit this counterclaim and request for an extension. I request that the court carefully consider the following:

1. Non-Attendance Due to Business Trip: I will be out of the country on a pre-planned business trip from July 23rd until the end of August. As a result, I will be unable to attend the court hearing scheduled for July 23rd.
2. Request for Extension: In light of my absence, I respectfully request that the court postpone the hearing until September. This extension is essential to allow me to participate fully in the proceedings and ensure a fair resolution of the eviction matter.
3. Conflict of Interest and Request for Dismissal: I am the lead plaintiff in a critical class action lawsuit against the management and owners of the building, involving serious claims that impact numerous tenants. The overlap between this eviction case and the ongoing class action creates a significant conflict of interest:
 - a. Conflict of Interest: The class action addresses severe breaches of contract, violations of tenant rights, and other systemic issues. Pursuing the eviction case while the class action is unresolved threatens to undermine my ability to effectively represent the class and protect the interests of all tenants. This is not merely a procedural matter—it endangers the rights and protections of a vulnerable community.
 - b. Request for Dismissal: Given the conflict of interest and potential harm to the class action, I respectfully request that the court dismiss the eviction case. Proceeding with the eviction could have irreversible consequences for all tenants and undermine our collective pursuit of justice.
4. Responsibility and Commitment to Tenants: I believe I am uniquely positioned as the lead plaintiff to address these issues because I am not deterred by the retaliatory tactics of large corporations. My role is not just a legal formality—it is a profound commitment to protecting every tenant's rights and ensuring their voices are heard. Many of our neighbors, including the elderly and children, are among the most vulnerable, and their well-being depends on my advocacy. I am dedicated to making informed decisions and safeguarding their interests. Without my continued involvement, I fear that these crucial rights will not be adequately represented or heard.
5. Request for Pause or Dismissal: Given the critical nature of the class action and the vital role I play in representing all tenants, I respectfully request that the court either dismiss the eviction case or pause the proceedings until the class action lawsuit is concluded. This will enable me to effectively advocate for justice and protect those who need it most.

6. Request for Proper Service of Process: Due to the considerable power and influence of the management company and owner's company, I request that any service of process in this matter be conducted in a manner ensuring it is properly received. Specifically, service should be done in person or through a return receipt to guarantee that it is received by me directly and in a timely manner. This is crucial to ensure that any documents are not improperly handled or lost, particularly given the management's history and practices.

7. Request for Jury Trial: I hereby request a jury trial to ensure that my case is heard and decided by a group of my peers, which is my right under the law.

Conclusion: I urge the Court to grant the requested extension and consider the significant implications of proceeding with the eviction case. The rights and safety of all tenants are at stake, and it is imperative that their interests be upheld.

Thank you for your attention and understanding in this urgent matter.

Respectfully submitted,



Dany Abouelkhier
550 Victory Road Apt 339
Quincy, MA 02171
danytao@yahoo.com
617-909-7799

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Metro South Housing Court

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I, Dany Abouelkhier, being duly sworn, depose and state as follows:

1. Personal Information:
 - My name is Dany Abouelkhier.
 - I reside at 550 Victory Road, Apt 339, Quincy, Massachusetts 02171.
 - My contact details are danytao@yahoo.com and 617-909-7799.
2. Eviction Case:
 - I am a leaseholder in the above-captioned eviction case.
 - I have been actively involved in the class action lawsuit against the management and owners of the building, addressing serious issues that impact numerous tenants.
3. Non-Attendance Due to Business Trip:
 - I will be out of the country on a pre-planned business trip from July 23rd until the end of August 2024.
 - Due to my absence, I will be unable to attend the court hearing scheduled for July 23, 2024.
4. Request for Extension:
 - I respectfully request that the court postpone the hearing until September 2024.
 - This extension is crucial to ensure my full participation in the proceedings and to secure a fair resolution of the eviction matter.
5. Conflict of Interest and Request for Dismissal:
 - As the lead plaintiff in a class action lawsuit, I am addressing severe breaches of contract, violations of tenant rights, and other systemic issues that affect many tenants.
 - The overlap between the eviction case and the class action lawsuit creates a significant conflict of interest.
 - Pursuing the eviction case while the class action is unresolved undermines my ability to represent the class effectively and protect the interests of all tenants.
 - I respectfully request that the court dismiss the eviction case due to this conflict of interest.
6. Responsibility and Commitment to Tenants:
 - I am committed to protecting every tenant's rights and ensuring their voices are heard.
 - Many tenants, including the elderly and children, are vulnerable and rely on my advocacy for their well-being.
 - My role as the lead plaintiff is a profound commitment to making informed decisions and safeguarding their interests.
7. Request for Pause or Dismissal:
 - Given the critical nature of the class action and my role in representing all tenants, I request that the court either dismiss the eviction case or pause the proceedings until the class action lawsuit is concluded.
 - This will allow me to effectively advocate for justice and protect the tenants' rights.
8. Request for Proper Service of Process:
 - I request that any service of process in this matter be conducted in a manner ensuring it is properly received.

- Specifically, service should be done in person or through a return receipt to guarantee that it is received by me directly and in a timely manner.

9. Request for Jury Trial:

- I hereby request a jury trial to ensure that my case is heard and decided by a group of my peers, which is my right under the law.

Conclusion:

I urge the Court to grant the requested extension and consider the significant implications of proceeding with the eviction case. The rights and safety of all tenants are at stake, and it is imperative that their interests be upheld.

Thank you for your attention and understanding in this urgent matter.

Signature:



Dany Abouelkhier

Date:

July 19, 2024