

**COMMONWEALTH OF MASSACHUSETTS
HOUSING COURT DEPARTMENT
METRO SOUTH DIVISION**

NORFOLK, SS.

DOCKET No. 24H82SP03575

LENOX FARMS LIMITED PARTNERSHIP,

Plaintiff,

v.

MOHAMED KASSEM, DANNY ABOUELKHIER,

Defendants.

AFFIDAVIT OF DANNY ABOUELKHIER
IN SUPPORT OF NOTICE AND POST-TRIAL MOTION TO WITHHOLD ENTRY OF
JUDGMENT AND TO STAY

I, Danny Abouelkhier, under the pains and penalties of perjury, state as follows:

1. I am a Defendant in the above-captioned matter.
2. I make this affidavit based on my personal knowledge and my review of the docket, filings, communications, and proceedings in this action.
3. Plaintiff's summary process action is based on an alleged lease violation described as involving an unauthorized occupant.
4. Plaintiff identifies me as the person forming the basis of that allegation.
5. Plaintiff's effort to obtain possession in this action is tied to that allegation.
6. Plaintiff has not maintained a consistent position regarding my status.
7. In this litigation, Plaintiff has asserted that I am not a tenant and has characterized me as an unauthorized occupant or guest.

8. In communications outside of court, including email correspondence, Plaintiff has referred to me as a tenant.

9. These differing characterizations have been used in connection with Plaintiff's efforts to obtain possession and monetary relief.

10. Plaintiff seeks relief against me affecting possession, and also seeks monetary relief, including use and occupancy.

11. Those positions have not been presented through a single fixed and coherent theory from the outset of the case.

12. I have actively participated in this case.

13. I have filed motions, oppositions, and pleadings addressing Plaintiff's claims and the procedural posture of the case.

14. I have raised defenses and objections, including procedural defects and improper expansion of the issues presented.

15. Any suggestion that I failed to oppose or failed to participate is not accurate.

16. I demanded a jury trial.

17. On February 17, 2026, the Court struck my jury demand.

18. I appealed that order, and that appeal remains pending.

19. I did not waive my right to a jury trial.

20. I have consistently maintained my objection to the striking of that right.

21. The Court imposed use and occupancy in the amount of approximately \$4,552 per month.

22. I have asserted my inability to pay that amount.

23. I have submitted filings and information reflecting my financial circumstances.

24. My financial limitations were not the result of willful noncompliance.

25. A bench trial has already been conducted in this matter.

26. Following that trial, Plaintiff continued to seek relief through additional procedural mechanisms, including an injunction.

27. That motion has been used to address matters affecting the outcome of the case beyond ordinary evidentiary issues.

28. Plaintiff also sought injunctive relief in a separate proceeding.

29. Orders entered there affected who could remain at or enter the premises.

30. Those developments occurred without a final judgment in this action.

31. As a result, possession-related consequences have already been imposed outside a final judgment in this case.

32. If judgment enters in this case:

- execution for possession may issue;
- possession-related consequences may become final; and
- the status quo will be irreversibly altered.

33. Once possession is changed through enforcement, that change cannot be meaningfully undone in its original form.

34. If judgment enters while my appeal is pending:

- my right to a jury trial will be permanently lost; and
- appellate review will not be meaningful.

35. The issues raised in my motion directly affect whether judgment can lawfully enter.

36. A stay is necessary to preserve the present posture of the case and to prevent irreversible harm while appellate review is pending.

37. I respectfully request that the Court:

- withhold entry of judgment; or
- stay entry and enforcement of judgment

to prevent irreversible harm and to allow proper review of the issues presented.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

Dated: April 7, 2026

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2026 a copy of the foregoing was served electronically on all counsel of record.

Lisa M. Gouveia, Esq. (*Counsel for Plaintiff Lenox Farms Limited Partnership*)
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Grant B. Hecht, Esq. (*counsel for Mohamed Kassem*)
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Respectfully submitted,

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/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)