

**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.

**DEFENDANT DANY ABOUELKHIER'S NOTICE OF CLARIFICATION, LIMITATION
OF TESTIMONY, PRESERVATION OF RECORD,
AND RESERVATION OF RIGHTS**
(With Incorporated Sworn Statement)

I. INTRODUCTION

Defendant Dany Abouelkhier ("Defendant"), appearing pro se, respectfully submits this Notice for the limited purpose of:

- clarifying the record in advance of the scheduled bench trial;
- limiting the use of certain testimony;
- preventing mischaracterization of prior statements; and
- preserving all rights for trial and appellate review.

This Notice does not seek affirmative relief and is filed solely to ensure that the record accurately reflects the limited and disputed nature of certain referenced statements.

This Notice is submitted in advance of the scheduled bench trial to ensure that the record is not mischaracterized or relied upon in a manner that would predetermine factual issues without full evidentiary development.

II. CLARIFICATION OF PRIOR REFERENCED TESTIMONY

During prior proceedings, including hearings referenced by the Court, Defendant was asked whether he had previously stated that he was a “guest.”

Defendant’s response was:

- limited to acknowledging that such terminology had been referenced;
- given in response to a direct and leading question;
- not a narrative explanation of Defendant’s factual circumstances;
- not an independent or voluntary assertion of legal status.

Defendant did **not** affirmatively testify, in a complete or explanatory manner, that he is a “guest” as a matter of fact or law.

III. NO JUDICIAL ADMISSION

Defendant expressly states that no statement made in prior proceedings constitutes a judicial admission.

Any such characterization would be improper where the statement:

- concerns a legal conclusion (tenant vs. guest);
- was elicited through constrained questioning;
- was made without full factual context; and
- was not a clear, deliberate, and unequivocal concession.

IV. EXPRESS DISPUTE OF OCCUPANCY STATUS

Defendant expressly disputes any characterization of his status as a “guest.”

Defendant maintains that:

- his occupancy status is disputed;
- relevant facts have not been fully developed; and
- no final adjudication of that issue has occurred.

V. LIMITATION ON USE OF STATEMENTS

Defendant provides notice that:

- isolated or context-limited statements cannot be treated as dispositive;
- such statements must be considered, if at all, in full context;
- they cannot substitute for factual findings following evidentiary development.

VI. EFFECT OF FEBRUARY 17, 2026 ORDER

Defendant further notes that the Court's February 17, 2026 Order limited the scope of proceedings, including the treatment of defenses and evidentiary issues.

As a result:

The current record reflects procedural limitation rather than full factual development.

This Notice is submitted to ensure that any reliance on prior statements is not divorced from that context.

VII. PROHIBITION ON DISPOSITIVE USE

Defendant expressly provides notice that any prior statement referencing the term "guest" cannot be used as a dispositive determination of legal status or right to possession.

Such use would improperly convert a limited and context-dependent response into a conclusive finding without full adjudication of the underlying facts.

VIII. PRESERVATION OF RECORD

Defendant submits this Notice to ensure that the record reflects:

- the limited nature of the referenced testimony;
- the absence of any binding admission;
- the existence of a live factual dispute; and
- the necessity of adjudication before reliance may be placed on such

statements.

IX. RESERVATION OF RIGHTS

Defendant expressly preserves all rights and defenses, including but not limited to:

- all defenses previously asserted;
- evidentiary objections;
- appellate rights concerning prior and future rulings.

This filing is made without waiver of any jurisdictional or procedural objections.

X. INCORPORATED AFFIDAVIT

AFFIDAVIT OF DANY ABOUELKHIER

I, Dany Abouelkhier, state as follows:

1. I am a Defendant in this matter.
2. During prior hearings, I was asked whether I had previously stated that I was a “guest.”
3. My response was limited to acknowledging that such terminology had been used in prior proceedings.

4. I was not given an opportunity to fully explain my factual circumstances at that time.

5. I do not accept the characterization of my status as a “guest.”

6. My occupancy status is disputed and has not been fully adjudicated.

7. I have not made any clear, deliberate, or unequivocal admission of legal status in this case.

I declare under pains and penalties of perjury that the foregoing is true and correct.

Signed:

/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)

Date: March 27, 2026

Respectfully submitted,

Danny Abouelkhier
Defendant, Pro Se
550 Liberty Street, Unit 905
Braintree, MA 02184
Email: danytaw@yahoo.com
Dated: March 27, 2026

/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 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*)
Email: lgouveia@slglegalgroup.com

Grant B. Hecht, Esq. (*counsel for Mohamed Kassem*)
gbh@granthechtlaw.com

Respectfully submitted,

Dany Abouelkhier
550 Liberty street unit 905
Braintree, MA, 02184
(617) 909-7799
danytaaw@yahoo.com

/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)