

docketed 1/29/26

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

SUPERIOR COURT DEPARTMENT
Civil Action No.: 2582CV00364

DANY ABOUELKHIER, and SANDRA
FERNANDEZ, *Pro Se*,

Plaintiffs,

v.

MARINA BAY RESIDENCES, LLC,
BOZZUTO MANAGEMENT CO., and
DELANEY BARRETT,

Defendants.

Superior Court Rule 9A(b)(2)(ii) Affidavit of Compliance

I, Daniel P. Dain, do hereby depose and state as follows:

1. I am a director and shareholder at Dain, Torpy, Le Ray, Wiest & Garner P.C. and counsel to defendant Marina Bay Residences, LLC (“Marina Bay”) in the above-referenced litigation.

2. I am a member, in good standing, of the bar of the Commonwealth of Massachusetts.

3. In accordance with Superior Court Rule 9A, on January 5, 2026, I caused to be served on all parties and counsel of record a copy of Marina Bay’s Motion to Dismiss for Failure to Prosecute, via electronic mail. A true and correct copy of the email correspondence without the enclosure, is attached here at Tab 1.

4. I have complied with the procedure required under Massachusetts Superior Court Rule 9A for the service of the Motion.

5. I have not received any opposition to Marina Bay's Motion from the plaintiffs in this lawsuit, and the time for service of such opposition has now passed.

Signed under the pains and penalties of perjury this 21st day of January 2026.

/s/ Daniel P. Dain

Daniel P. Dain

TAB 1

From: [Rachel Fistori](#)
To: [Dany Abouelkhier](#); [sandra fernandez](#)
Cc: [Daniel P. Dain](#); [Kate Carter](#); [Sarah McHale](#); [gsapire@mavnardnexsen.com](#); [James D. Bragdon](#); [Sangeetha Kannan](#); [Raj Auja](#); [Max Mendel](#); [Davis Clark](#)
Subject: Dany Abouelkhier, et al. vs. Marina Bay Residences, LLC et al // 2582CV00364
Date: Monday, January 5, 2026 3:45:15 PM
Attachments: [MBR Motion to Dismiss for Failure to Prosecute.pdf](#)
[2026-01-05-MB Memo - Motion to Dismiss for Lack of Prosecution in severed action \(2582CV00364\).pdf](#)
[SJM - NoA \(2582CV000364\).pdf](#)

Hello,

Please find the attached motion being served under Rule 9A.

We filed a Notice of Appearance for Attorney McHale in this case today, copy attached. Thank you.

Best,

Rachel Fistori



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