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COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2582CV00364

DANY ABOUELHKIER, Pro Se,
By Special Appearance and Reservation of Rights,

Plaintiff,

v.

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

**NOTICE OF NON-PARTICIPATION, OBJECTION TO ENTRY OF DEFAULT, AND
RESERVATION OF APPELLATE RIGHTS
(STRICT LIMITED SPECIAL APPEARANCE — NO CONSENT TO JURISDICTION)**

Plaintiff Dany Abouelkhier, appearing pro se and under a strict limited special appearance solely to preserve rights, files this Notice to prevent any mischaracterization of his position as abandonment, waiver, or consent to this docket. This Notice is procedural only and does not address the merits of any claim or counterclaim.

1. Active appeal of the order(s) that created this docket.

Mr. Abouelkhier is presently pursuing appellate review of the order(s) entered in Civil Action No. 2382CV00389 that removed him as the sole named plaintiff in that action and resulted in the

opening of this separate docket (the “Severance Order(s)”). That appeal remains pending and unresolved.

2. This docket is Court-created and is part of the subject of the pending appellate review.

This docket exists solely because of the Severance Order(s). Mr. Abouelkhier did not voluntarily commence a separate, independent action on these claims. The propriety of proceeding in this separate docket while appellate review of the Severance Order(s) remains pending is part of the question presented for appellate review.

3. Non-participation is solely to preserve appellate rights, not abandonment.

Mr. Abouelkhier is not litigating the merits in this docket at this time because doing so while the Severance Order(s) are on appeal could be argued to constitute acceptance of the Severance or to waive or moot his appellate rights. His non-participation is undertaken in good faith to preserve appellate review, not to delay, obstruct, or abandon his claims.

4. No consent; no waiver; no general appearance.

This filing is made only to preserve rights and shall not be construed as:

- a. consent to the Severance Order(s) or to proceeding on the merits in this docket;
- b. a general appearance or submission to jurisdiction beyond this limited notice; or
- c. waiver of any objection, including objections to proceeding in this docket while appellate review remains pending.

5. Express objection to entry of default based on appeal-preserving non-participation.

To the extent Defendants seek entry of default or other adverse procedural relief based on Mr. Abouelkhier’s non-participation on the merits while appellate review remains pending, Mr.

Abouelkhier expressly objects. Any such default would be contested and would itself be subject to appellate challenge.

6. Preservation of all rights.

Mr. Abouelkhier preserves all rights to:

- challenge any order entered in this docket, and
- pursue fully his pending appeal of the Severance Order(s), without any inference that

this Notice concedes the validity of this docket or constitutes voluntary participation on the merits.

This Notice addresses procedure only, not the substance of any claim or counterclaim.

Respectfully submitted,

Dany Abouelkhier (Pro Se),
By Special Appearance and Reservation of Rights,

550 Liberty St., Unit 905

Braintree, MA 02184

Tel: (617) 909-7799

Email: danyhaw@yahoo.com

Date: February 9th, 2025

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on February 9th, 2026 a copy of the foregoing was served electronically on all counsel of record.

DEFENDANT,
MARINA BAY RESIDENCES, LLC,
BY ITS ATTORNEYS,

Daniel P. Dain, BBO# 632411
Kate Moran Carter, BBO# 663202
Dain, Torpy, Le Ray, Wiest & Garner, P.C.
175 Federal Street, Suite 1500
Boston, MA 02110
ddain@daintorpy.com
kcarter@daintorpy.com
P: (617) 542-4800
F: (617) 542-4808

Gregory P. Sapire (*Pro Hac Vice*)
Raj Aujla (*Pro Hac Vice*)
Maynard Nexsen P.C.
2500 Bee Caves Rd., Bldg. 1, Ste. 150
Austin, TX 78746
gsapire@maynardnexsen.com
raujla@maynardnexsen.com
P: (512) 969-6540
F: (512) 359-7996

DEFENDANTS,
BOZZUTO MANAGEMENT CO. and
DELANEY BARRETT
BY THEIR ATTORNEYS,

Ted Papadopoulos, BBO# 671506
AMPS Law, P.C.

304 Cambridge Road, Suite 440
Woburn, MA 01801
ted@ampslaw.com

P: (781) 756-6600
F: (888) 756-6680

James Bragdon (*Pro Hac Vice*)
Sangita Kannan (*Pro Hac Vice*)
Gallagher Evelius & Jones LLP
218 N. Charles Street, Suite 400
Baltimore, MD 21201
jbragdon@gejlaw.com
skannan@gejlaw.com
P: (410) 727-7702
F: (410) 468-2786

By Dany Abouelkhier, Pro Se
By Special Appearance and Reservation of Rights,

/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)

Mary K Hickey

From: Dany Abouelkhier <danytaw@yahoo.com>
Sent: Monday, February 9, 2026 1:59 PM
To: Mary K Hickey
Subject: NOTICE OF NON-PARTICIPATION docket # 2582CV00364
Attachments: MBR 364 02-09-26 DA N. OF NON PARTICIPATION .pdf

CAUTION: This email originated from outside the Judiciary. Report any suspicious email using the Phish Alert Report button on the Outlook desktop ribbon or forward to phishing@jud.state.ma.us .

Dear Ms. Hickey,

Good afternoon. I e-filed today a, **NOTICE OF NON-PARTICIPATION , OBJECTION TO ENTRY OF DEFAULT, AND RESERVATION OF APPELLATE RIGHTS (STRICT LIMITED SPECIAL APPEARANCE — NO CONSENT TO JURISDICTION)**. I am providing this courtesy copy in case it assists the Court while the filing is being processed on the docket. Please let me know if you need anything further. Thank you for your assistance.

Respectfully,

Dany Abouelkhier
Pro se