

**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,

**PLAINTIFF DANY ABOUELKHIER'S LIMITED OPPOSITION TO
MARINA BAY RESIDENCES, LLC'S MOTION TO COMPEL POST-JUDGMENT
DISCOVERY**

Plaintiff Dany Abouelkhier, appearing pro se and solely under express reservation of rights, submits this Limited Opposition to Marina Bay Residences, LLC's Motion to Compel Post-Judgment Discovery.

PRELIMINARY STATEMENT

This Limited Opposition is submitted solely to respond to Marina Bay's motion, preserve Plaintiff's rights, and prevent any assertion that the motion was unopposed.

Nothing contained herein shall be construed as: (i) consent to jurisdiction; (ii) acceptance of the severed proceeding; (iii) participation on the merits of issues presently subject to post-judgment or appellate review; (iv) waiver of appellate rights; (v) waiver of post-judgment rights; (vi) concession of the validity, finality, enforceability, or procedural propriety of the February 17,

2026 order; or (vii) agreement with Marina Bay's characterization of any order as a presently enforceable money judgment.

Plaintiff expressly preserves all objections, appellate positions, jurisdictional arguments, procedural objections, and challenges previously asserted or presently pending concerning the severed proceeding and the February 17, 2026 order.

Plaintiff does not submit this filing to litigate the merits of the February 17, 2026 order, the severed proceeding, the pending post-judgment motion(s), or any issue presently subject to appellate review.

Plaintiff further does not concede Marina Bay's characterization of the discovery history, procedural history, or enforcement posture, and submits this Limited Opposition solely to address the relief requested in the motion.

ARGUMENT

Marina Bay seeks relief pursuant to Mass. R. Civ. P. 69 based upon its assertion that it presently holds an enforceable judgment against Plaintiff.

Plaintiff expressly disputes Marina Bay's characterization of the February 17, 2026 order as a presently enforceable basis for Rule 69 relief.

Rule 69 discovery is enforcement discovery. Its use in this posture depends upon Marina Bay's asserted status as a judgment creditor with a presently enforceable judgment or execution basis. Plaintiff does not concede that premise.

Threshold proceedings remain pending that directly bear upon the validity, enforceability, and procedural posture of the February 17, 2026 order. Those proceedings concern issues upon which Marina Bay's requested Rule 69 relief necessarily depends.

This Limited Opposition is not submitted for the purpose of litigating the merits of those pending proceedings, nor does Plaintiff ask the Court to resolve those issues within the context of a discovery motion. Rather, Plaintiff respectfully submits that Marina Bay's motion assumes resolution of issues that remain actively contested.

Accordingly, Plaintiff objects to Marina Bay's request for Rule 69 enforcement relief while threshold issues bearing directly upon the validity, enforceability, and procedural posture of the February 17, 2026 order remain unresolved.

Compelling post-judgment enforcement discovery before resolution of those threshold issues risks unnecessary burden, expense, and potential prejudice in the event the challenged order is modified, vacated, or otherwise affected by the pending proceedings. A brief deferral would promote judicial economy and avoid potentially unnecessary enforcement litigation.

Under these circumstances, Plaintiff respectfully requests that Marina Bay's Motion to Compel be denied without prejudice, deferred, or otherwise held in abeyance pending resolution of the pending proceedings concerning the February 17, 2026 order.

ATTORNEY'S FEES AND COSTS

Plaintiff further objects to Marina Bay's request for attorney's fees and costs.

Plaintiff's position arises from a genuine and ongoing dispute concerning the procedural posture, validity, enforceability, and effect of the February 17, 2026 order and related proceedings.

This Limited Opposition is submitted in good faith to preserve rights and address Marina Bay's motion. Plaintiff's submission of this Limited Opposition demonstrates his intent to

address Marina Bay's motion through appropriate motion practice and not through default, abandonment, or waiver.

Plaintiff's position is not frivolous, contumacious, or presented for purposes of delay. Under these circumstances, an award of fees or costs would be inappropriate and should be denied.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that Marina Bay Residences, LLC's Motion to Compel Post-Judgment Discovery be DENIED WITHOUT PREJUDICE, DEFERRED, or otherwise HELD IN ABEYANCE pending resolution of the pending proceedings concerning the February 17, 2026 order.

Plaintiff further requests that Marina Bay's request for attorney's fees and costs be DENIED.

Respectfully submitted,

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

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Date: June 8th, 2026

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on June 8th, 2026 a copy of the foregoing was served electronically on all counsel of record.

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

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