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NORFOLK COUNTY
2/10/26

38.0

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
SUPERIOR COURT DEPARTMENT**

NORFOLK, ss.

Civil Action No. 2582CV00364

DANY ABOUELHKIER, Pro Se,

Plaintiff,

v.

MARINA BAY RESIDENCES, LLC, BOZZUTO

MANAGEMENT CO., and DELANEY BARRETT,

Defendants,

**NOTICE OF OBJECTION TO COURT-DIRECTED ADDITION OF MINOR K.F.,
STRICT LIMITED SPECIAL APPEARANCE BY PARENT, AND RESERVATION OF
APPELLATE AND SUBSTANTIVE RIGHTS
(PROCEDURAL ONLY — NO CONSENT TO JURISDICTION — NO PARTICIPATION
ON THE MERITS)**

I, Sandra Fernandez, appear solely in my capacity as parent of minor K.F. and by strict limited special appearance for the narrow purpose of preserving the minor's rights and clarifying his procedural status.

This filing addresses procedure only and does not address the merits of any claim or counterclaim.

1. K.F. has never been a party to any Norfolk action.

At all relevant times, minor K.F. has never been a party to Civil Action Nos. 2182CV01044 or 2382CV00389, nor to this docket, Civil Action No. 2582CV00364.

- In one case, his request to intervene was denied.

- In the other, his request to intervene remains unresolved and on active appeal.

Both matters are currently pending in the Massachusetts Appeals Court.

2. No motion to join K.F. was filed in this docket.

K.F. did not move to intervene in Civil Action No. 2582CV00364.

I did not request, authorize, or consent to his addition as a party here.

Any listing of K.F. in this action occurred solely by court directive, not by application, consent, waiver, or participation.

3. K.F. has filed no claims in this docket.

Minor K.F. has never filed any complaint, pleading, claim, or counterclaim in Civil Action No. 2582CV00364.

He has not initiated litigation here, has not sought relief here, and has not invoked this Court's jurisdiction.

4. Objection to unilateral listing of K.F. as a party.

On behalf of minor K.F., I expressly and unequivocally object to his being treated as a party in Civil Action No. 2582CV00364.

This objection is based on undisputed procedural facts:

- K.F. was a non-party in the underlying actions;
- His attempts to intervene were denied or unresolved and on appeal;
- He was already in active appeal when this docket was created and when he was later listed here; and
- No motion to join him, no notice of such motion, and no hearing or opportunity to be heard preceded his addition to this case.

Because K.F. was never made a party to Civil Action No. 2382CV00389, there was no procedural basis to “transfer,” relocate, or reassign him to this docket.

Accordingly:

K.F. does not consent to being treated as a party in this action unless and until a court of competent jurisdiction, after formal notice and a hearing, lawfully orders his joinder pursuant to the rules governing minors.

Nothing in this Notice shall be construed as acceptance of party status.

5. No valid “next friend” or guardian appointment exists in this docket.

I have never petitioned to be appointed as next friend or guardian ad litem for K.F. in Civil Action No. 2582CV00364, and no such appointment has been made by any court.

Any docket entry suggesting an appearance “by Sandra Fernandez on behalf of K.F.” was not authorized, requested, or accepted by me and cannot substitute for a formal appointment required for a minor to appear in court.

To the extent the Court relies on such an entry, I object to it as procedurally improper.

6. Non-participation is to preserve K.F.’s rights, not abandonment.

K.F. is not litigating in this docket because:

1. He has never been lawfully joined here; and
2. Participating on the merits while his intervention status is under appellate review could be characterized as acquiescence to a procedural posture he is actively challenging.

His non-participation is undertaken in good faith solely to preserve appellate and substantive rights, not to delay or obstruct.

7. No consent; no waiver; no submission to jurisdiction.

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

- a. consent to K.F.'s joinder in this case;
- b. consent to litigating any claims in this docket;
- c. a general appearance or submission to jurisdiction; or
- d. waiver of any objection, including objections to his inclusion as a party.

8. Express objection to any default, sanction, or adverse inference.

To the extent any party seeks default, sanctions, fees, costs, or adverse relief against K.F. in this action, I expressly object, as he has never consented to be a party here and was previously denied or left unresolved as to intervention elsewhere.

Any such relief would itself be subject to appellate challenge.

9. Preservation of all rights in all forums.

On behalf of K.F., I expressly reserve:

- his right to pursue and complete his pending appeals regarding intervention;
- his right to challenge any order purporting to make him a party here; and
- all rights in any other court or forum, including any separate personal-injury

action.

Nothing in this Notice limits K.F.'s right to pursue any separate personal-injury claims in a court of competent jurisdiction.

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

Respectfully submitted,

Sandra Fernandez, Parent of K.F. Pro Se
Filed Under Special Appearance and Reservation of All Rights,

550 Liberty St. Unit 905
Braintree, MA 02184

Tel: (617) 806 6566

Email: sandreva14@yahoo.com

Date: February 9, 2026

By: Sandra Fernandez

/s/ Sandra Fernandez
Sandra Fernandez

CERTIFICATE OF SERVICE

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

PLAINTIFF,

Dany Abouelkhier, (pro se Litigant)
550 Liberty st. Apt. 905
Braintree, MA 02184
(617) 909-7799
danytaw@yahoo.com

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

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

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

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

By: Sandra Fernandez Parent of K.F.,

Filed Under Special Appearance and Reservation of All Rights,
Petitioner,

/s/ Sandra Fernandez

Sandra Fernandez

Mary K Hickey

From: sandra fernandez <sandrev14@yahoo.com>
Sent: Monday, February 9, 2026 2:04 PM
To: Norfolk Clerks Office; Mary K Hickey; M. Diane Gibbons; Myrna M Kassab
Subject: NOTICE OF MINOR K.F 2582CV00364
Attachments: MBR 364 02-09-26 KF N. OF OBJECTION.pdf

Categories: Red Category

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 Clerk of Court,

Good afternoon. I e-filed today a NOTICE OF OBJECTION TO COURT-DIRECTED ADDITION OF MINOR K.F., STRICT LIMITED SPECIAL APPEARANCE BY PARENT, AND RESERVATION OF APPELLATE AND SUBSTANTIVE RIGHTS (PROCEDURAL ONLY, NO CONSENT TO JURISDICTION, NO PARTICIPATION ON THE MERITS. I am providing this courtesy copy in case it assists the Court while the filing is being processed on the docket.

Respectfully,

Sandra Fernandez on behalf of K.F, Minor.

Sent from my iPhone