

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2582CV00364

DANY ABOUELHKIER, Pro Se,

Plaintiff,

MARINA BAY RESIDENCES, LLC, BOZZUTO

MANAGEMENT CO., and DELANEY BARRETT,

Defendants,

**NOTICE OF OBJECTION TO COURT-DIRECTED ADDITION AS A PARTY,
STRICT LIMITED SPECIAL APPEARANCE, AND RESERVATION OF APPELLATE
RIGHTS
(PROCEDURAL ONLY — NO CONSENT TO JURISDICTION — NO PARTICIPATION
ON THE MERITS)**

I, Sandra Fernandez, appearing pro se and solely by a strict limited special appearance, submit this Notice for the narrow purpose of preserving my rights and clarifying my procedural status. This filing does not address the merits of any claim or counterclaim.

1. I was a non-party and was denied intervention.

At all relevant times, I was not a party to Civil Action Nos. 2182CV01044 or 2382CV00389. My motions to intervene in those actions were denied, and I was repeatedly informed by the Court that I lacked party status in those cases.

I am presently pursuing appellate review of those denials of intervention. That appeal remains pending and unresolved.

2/10/26 The Court acknowledged it received this filing. The Court shall take no action, inasmuch as the Court has now dismissed this action. Foreclosed by 2/10/26

2. I did not seek to be joined in this docket.

I did not file a motion to intervene in Civil Action No. 2582CV00364.

I did not request to be added as a party here.

I did not authorize any appearance on my behalf in this docket.

My listing in this action occurred solely by court directive, not by my application, consent, or waiver.

3. Strict objection to being treated as a party in this case.

By this Notice, I expressly and unequivocally object to being treated as a party in Civil Action No. 2582CV00364.

This objection rests on the following undisputed procedural facts:

- I was a non-party in the underlying actions;
- My requests to intervene were denied;
- I was on appeal from those denials when I was later listed here; and
- No motion to join me, no notice of such motion, and no hearing or opportunity

to be heard preceded my addition to this case.

Accordingly, I do not consent to being treated as a party in this action unless and until a court of competent jurisdiction explicitly rules, after notice and an opportunity to be heard, that I was lawfully joined.

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

4. My non-participation is deliberate and rights-preserving, not abandonment.

I am not litigating in this docket because:

1. I do not accept that I am properly a party here; and

2. Participating on the merits could be characterized as acquiescence to a procedural posture that I am actively challenging on appeal.

My non-participation is undertaken in good faith solely to preserve appellate rights, not to delay, obstruct, or abandon any claim.

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

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

- a. consent to being joined 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 my inclusion as a party.

6. Express objection to any default, sanction, or adverse inference against me in this docket.

To the extent any party seeks default, sanctions, costs, fees, or other adverse relief against me in this action, I expressly object, because I have never consented to be a party here and was previously denied intervention elsewhere.

Any such relief would itself be subject to appellate challenge.

7. Reservation of all rights in all forums.

I expressly reserve:

- my right to continue my pending appeals regarding denial of intervention;
- my right to challenge any order purporting to make me a party here; and
- all rights in any other court or forum, including federal court.

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

Respectfully submitted,

Sandra Fernandez, 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)
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DEFENDANT,

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BY ITS ATTORNEYS,

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By: Sandra Fernandez

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

/s/ Sandra Fernandez

Sandra Fernandez