

Docketed 06/10/2026

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

SUPERIOR COURT DEPARTMENT
Civil Action No.: 2582CV00364

DANY ABOUELKHIER and SANDRA
FERNANDEZ, *Pro Se*

Plaintiff,

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

Defendants.

**MARINA BAY RESIDENCES, LLC'S MOTION TO COMPEL RESPONSES TO
POST-JUDGMENT DISCOVERY FROM DANY ABOUELKHIER**

Marina Bay Residences ("MBR") moves under Mass. R. Civ. P. 37(a)(2) to compel Plaintiff Dany Abouelkhier to provide responses to discovery requests propounded under Mass. R. Civ. P. 69 in aid of execution of judgment. On February 17, 2026, the Court entered final judgment in favor of Defendants on all claims, including MBR's counterclaim against Abouelkhier for breach of contract. In aid of executing that judgment, MBR served combined interrogatories and document requests, as well as a notice of deposition on Abouelkhier, seeking information regarding his assets and other potential sources of recovery. Despite multiple extensions and follow-up efforts, Abouelkhier has neither responded to the discovery requests nor appeared for deposition.

For the reasons set forth in the accompanying memorandum and affidavit of Daniel P. Dain, MBR requests that this Court enter an order compelling Abouelkhier to fully respond to MBR's requests for production of documents, interrogatories, and deposition notice, and to set firm deadlines for his compliance with each. MBR further requests that this Court award it its fees and costs incurred in bringing this motion.

Respectfully submitted,

MARINA BAY RESIDENCES, LLC

By its attorneys,

/s/ Sarah J. McHale

Daniel P. Dain, BBO# 632411

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Sarah J. McHale, BBO# 715473

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Date: May 20, 2026

CERTIFICATE OF SERVICE

I, Sarah J. McHale, do hereby certify that on this 20th day of May, 2026, I served a copy of the foregoing document by email upon:

Dany Abouelkhier
danytaw@yahoo.com

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Counsel for Bozzuto Management Co. and Delaney Barrett

/s/ Sarah J. McHale

Sarah J. McHale

SUPERIOR COURT RULE 9A & 9C CERTIFICATE

I, Sarah J. McHale, counsel for the Defendant Marina Bay Residences, LLC, hereby certify that I requested a Rule 9C conference by email on Monday, May 18, 2026, identifying my availability and inviting Plaintiff Dany Abouelkhier to propose alternative dates and times if necessary. I followed up on May 20, 2026, when serving Marina Bay's Motion to Compel Responses to Post-Judgment Discovery and supporting memorandum and affidavit. On June 1, 2026, Mr. Abouelkhier responded that he had been away due to a death in his family and requested that Marina Bay refrain from further "further enforcement-related activity," or, alternatively, assent to a reasonable extension of the deadline for his opposition under Rule 9A. Marina Bay agreed to allow an additional week for Mr. Abouelkhier to provide his opposition, but he never provided his availability for a Rule 9C conference. Despite these reasonable efforts to confer, the parties were unable to connect for a Rule 9C conference on this Motion to Compel.

/s/ Sarah J. McHale
Sarah J. McHale