

Docketed 06/24/2026

**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 MOTION TO STAY RULE 69 ENFORCEMENT
DISCOVERY PENDING RESOLUTION OF PLAINTIFF'S MOTION TO VACATE
JUDGMENT (#46), WITH INCORPORATED MEMORANDUM OF LAW**

Plaintiff Dany Abouelkhier appears solely for the limited and protective purpose of seeking the relief requested herein and expressly preserves, and does not waive, any appellate rights, post-judgment rights, jurisdictional objections, objections to severance, objections to the February 17, 2026 judgment, or any other rights, objections, defenses, or positions previously asserted.

This Motion is submitted solely for protective purposes and shall not be construed as consent to jurisdiction, acceptance of, acquiescence in, or recognition of the procedural validity of the severed proceeding, abandonment of any challenge thereto, waiver of any appellate or post-judgment position, concession concerning the validity or enforceability of the February 17, 2026

judgment, or agreement that Marina Bay Residences, LLC is entitled to Rule 69 enforcement relief.

Plaintiff respectfully moves for an Order staying Rule 69 enforcement discovery pending resolution of Plaintiff's Motion to Vacate Judgment (#46).

MEMORANDUM OF LAW

I. INTRODUCTION

Marina Bay seeks Rule 69 enforcement discovery based upon the February 17, 2026 judgment.

That same judgment is presently the subject of both appellate review and Plaintiff's Motion to Vacate Judgment (#46), filed pursuant to Mass. R. Civ. P. 60(b)(1), 60(b)(6), and 41(b)(2), which seeks vacatur of the February 17, 2026 dismissal and judgment and restoration of the action to active status. Motion #46 has been fully briefed and remains pending before the Court.

Under these circumstances, a temporary stay of Rule 69 enforcement discovery is appropriate pending the Court's determination of Motion #46.

II. RELEVANT PROCEDURAL HISTORY

Judgment entered on February 17, 2026.

Plaintiff filed a Notice of Appeal from the February 17, 2026 judgment.

On March 25, 2026, Plaintiff filed Motion #46 pursuant to Mass. R. Civ. P. 60(b)(1), 60(b)(6), and 41(b)(2), seeking vacatur of the February 17, 2026 dismissal and judgment and restoration of the action to active status.

Marina Bay filed an opposition to Motion #46.

Plaintiff filed a reply and supporting materials.

Motion #46 remains pending and unresolved.

Marina Bay now seeks Rule 69 enforcement discovery based upon the same judgment that Motion #46 seeks to vacate.

III. LEGAL STANDARD

Massachusetts trial courts possess broad discretion to regulate discovery, manage proceedings, and control their dockets in a manner that promotes fairness, efficiency, and judicial economy.

A temporary stay may be appropriate where pending proceedings may materially affect the necessity, scope, timing, or propriety of the discovery sought.

IV. ARGUMENT

A. Motion #46 Presents A Substantial Unresolved Challenge To The Judgment Upon Which Marina Bay Seeks Enforcement Discovery.

Motion #46 directly seeks vacatur of the very judgment upon which Marina Bay's Rule 69 discovery requests are predicated and seeks restoration of the action to active status.

Accordingly, the pending motion presents a substantial unresolved issue whose resolution may materially affect whether enforcement discovery should proceed and, if so, in what form.

B. Resolution Of Motion #46 May Materially Affect The Need For Rule 69 Discovery.

If Motion #46 is allowed in whole or in part, the necessity, scope, timing, or propriety of the requested enforcement discovery may be materially affected.

Proceeding with Rule 69 discovery before resolution of Motion #46 risks unnecessary burden, expense, and motion practice that may ultimately prove unnecessary.

Judicial economy favors first resolving the pending challenge to the judgment before requiring the parties to engage in enforcement discovery based upon that same judgment.

C. A Temporary Stay Will Promote Efficiency And Avoid Unnecessary Prejudice.

The requested stay is temporary and limited.

Plaintiff seeks no determination on the merits through this Motion and requests only that enforcement discovery be deferred until the Court resolves Motion #46.

A temporary stay will not materially prejudice Marina Bay because the requested relief is tied solely to the Court's resolution of Motion #46.

By contrast, requiring Rule 69 enforcement discovery before resolution of Motion #46 may result in unnecessary burden, expense, and motion practice if the judgment is modified, vacated, or otherwise affected by the Court's ruling on Motion #46.

D. Plaintiff Seeks Only Temporary Relief.

Plaintiff does not seek through this Motion to litigate the merits of Motion #46, the merits of any appeal, or the merits of Marina Bay's underlying claims.

Plaintiff seeks only a temporary stay pending the Court's determination of Motion #46 and respectfully requests that the Court resolve the pending challenge to the judgment before compelling Rule 69 enforcement discovery.

V. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court stay Rule 69 enforcement discovery, including any compelled responses, deposition proceedings, and related enforcement discovery obligations, pending resolution of Plaintiff's Motion to Vacate Judgment (#46), together with such other relief as the Court deems just and proper.

Respectfully submitted,

Dany Abouelkhier (Pro Se),
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Date: June 8, 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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