

Docketed 03/19/2026

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

SUPERIOR COURT DEPARTMENT
Civil Action No.: 2582CV00364

DANY ABOUELKHIER, and SANDRA
FERNANDEZ, *Pro Se*,

Plaintiffs,

v.

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

Defendants.

**MARINA BAY RESIDENCES, LLC'S OMNIBUS OPPOSITION TO
K.F.'S AND FERNANDEZ'S FEBRUARY 2026 MOTIONS¹**

For nearly a year, Sandra Fernandez, individually and on behalf of her minor child, has filed dozens of motions and notices trying to insert herself into other cases (Numbers 2182CV01044 and 2382CV00389) related to building envelope issues at the Meriel Marina Bay apartments in Quincy. Following a November 17, 2025 hearing, this Court found that Fernandez's actions were disruptive of the ongoing cases and directed that, to the extent that Fernandez and the minor child were trying to assert any claims in those cases, their claims were transferred to this docket. Thereafter, Fernandez took no action in this docket and defendants moved to dismiss for want of prosecution, which this Court granted on February 17, 2026. Fernandez now seeks to vacate that ruling claiming this Court lacks jurisdiction to enter

¹ The February motions, which were served on Marina Bay Residences on February 18 and 19 respectively, include the following: Minor K.F.'s Motion to Vacate Void Judgment as to Minor, Strike Improper Party Addition, and Dismiss Minor from Action, with Memorandum of Law (Strict Limited Special Appearance Solely to Contest Jurisdiction and Voidness; No Consent to Personal Jurisdiction), and Non-Party Sandra Fernandez Motion to Vacate Void Judgment with Memorandum of Law and Express Preservation of Appellate and Federal Rights Pursuant to Mass. R. Civ. P. 60(b)(4).

judgment against those claims that Fernandez spent months seeking to assert via motions before this Court in docket numbers 2182CV01044 and 2382CV00389. That's chutzpah. Defendant Marina Bay Residences urges this Court to deny the two motions. Briefly:

- While Fernandez or her minor child never filed a complaint against the defendants, she repeatedly availed herself of its jurisdiction making voluminous court filings claiming injuries caused by defendants; it was these articulated claims that this Court exercised its discretion to transfer to this docket number.
- Fernandez then took no action on her alleged claims and announced to the Court that she would not participate in the matter in this docket number.
- When defendants moved to dismiss, Fernandez did not oppose the motion.
- In asking this Court to revisit its ruling, Fernandez does not identify any change in law or newly discovered evidence.

Fernandez has repeatedly told this Court she and her minor child have claims, and this Court has consistently told them that if so, they must bring them in this action. Having been given a forum, Fernandez chose to reject it; that is her choice. The Court's ruling was proper and should not reconsidered.

Respectfully submitted by:

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

/s/ Daniel P. Dain

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Dated: March 2, 2026

CERTIFICATE OF SERVICE

I, Daniel P. Dain, do hereby certify that on this 2nd day of March 2026 I served a copy of the foregoing document on all counsel and / or parties of record by electronic mail:

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