

Docketed 03/19/2026

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

SUPERIOR COURT DEPARTMENT

NORFOLK, ss.

Civil Action No. 2582CV00364

DANY ABOUELHKIER,
Plaintiff,

v.

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

SANDRA FERNANDEZ'S REPLY TO MARINA BAY RESIDENCES, LLC'S
OPPOSITION TO MOTION TO VACATE VOID JUDGMENT

Sandra Fernandez, appearing specially and solely to contest jurisdiction and voidness, respectfully submits this Reply in further support of her Motion to Vacate Void Judgment pursuant to Mass. R. Civ. P. 60(b)(4).

1. Defendant's opposition confirms the defect rather than curing it.

Defendant expressly concedes that Sandra Fernandez never filed a complaint against defendants in this action. That concession is central. Once defendant admits Ms. Fernandez never commenced claims in this action, defendant must identify some other valid procedural basis for personal jurisdiction and judgment against her. It does not.

The opposition identifies no summons served on Ms. Fernandez in this action, no complaint filed by her in this action, no counterclaims properly served on her in this action, and no operative pleading by which she voluntarily became a plaintiff here.

Defendant instead relies on generalized references to filings in other Marina Bay-related matters and on the Court's later case-management rulings. Neither is a substitute for the ordinary procedural foundation required before a personal judgment may enter.

2. Defendant applies the wrong Rule 60 standard.

This motion is not a request for discretionary reconsideration based on newly discovered evidence or a change in law. It is a motion under Mass. R. Civ. P. 60(b)(4) to vacate a void judgment. The question presented is therefore not whether the Court should revisit a discretionary ruling, but whether the February 17, 2026 judgment is valid as to Ms. Fernandez at all.

Defendant's argument that Ms. Fernandez identifies no "change in law or newly discovered evidence" is therefore beside the point. If the judgment is void for lack of jurisdiction or a fundamental procedural defect, it must be vacated.

3. A denied intervention in another docket did not authorize entry of judgment against Ms. Fernandez in this docket.

Defendant's position is especially defective because Ms. Fernandez was not an admitted party in the related Marina Bay action from which defendant attempts to derive this Court's authority. Her intervention effort in that related action had been denied, and that denial was already in appellate posture before the November 17, 2025 hearing. A denied intervention does not create party status in that action, and it does not supply a substitute for pleading, service, or voluntary appearance in a different civil action. Rule 24 governs intervention, and a denial of intervention means the applicant has not been admitted as a party through that mechanism.

If anything, the denied intervention underscores the opposite point that Ms. Fernandez's status was contested and unresolved, not conceded. The proper course was to allow the pending appeal from that denial to proceed in the ordinary way, not to use case management in a separate docket to accomplish indirectly what had not been accomplished directly. A denied intervention on appeal cannot be converted into party status, pleading, service, or consent in another action.

Against that procedural background, defendant cannot convert denied intervention in one docket into personal jurisdiction and a binding judgment in another without the ordinary procedural steps. Yet defendant still identifies no summons, no complaint filed by Ms. Fernandez in this action, no counterclaim service on her in this action, and no recognized rule-based mechanism by which she became subject to final judgment here.

4. The November 17, 2025 hearing did not supply a valid procedural bridge.

Defendant relies heavily on the proposition that, following the November 17, 2025 hearing, the Court directed that claims Ms. Fernandez was allegedly trying to assert in other matters would be transferred into this docket. Even accepting that description at face value, it does not establish personal jurisdiction over Ms. Fernandez or validate the later judgment. Ms. Fernandez was not served to appear on the November 17, 2025 hearing.

Ms. Fernandez's intervention effort in the related docket had already been denied and was already on appeal. She was not served with any notice that the November 17, 2025 hearing would be used to adjudicate her status in this docket, to add her as a plaintiff here, or to expose her to later dismissal and judgment in this action.

A case-management ruling concerning related dockets is not a substitute for service of process, an operative pleading, or another recognized mechanism by which a litigant becomes subject to binding judgment in a separate civil action. Nor does defendant show that Ms. Fernandez was called and afforded an opportunity to be heard on November 17, 2025 as to any proposed transfer of her alleged claims into this docket or adjudication of her status here. Due process does not permit a litigant to be transformed into a plaintiff in a separate civil action and then subjected to judgment there without notice of the hearing and a meaningful opportunity to be heard on that very issue.

5. Ms. Fernandez's filings in other dockets did not constitute consent to personal jurisdiction in this one.

Defendant argues that Ms. Fernandez "availed herself" of the Court's jurisdiction by filing papers in related Marina Bay matters. That argument conflates objection filings and rights-preservation with consent to personal jurisdiction here.

The relevant question is not whether Ms. Fernandez filed papers elsewhere in the broader Marina Bay litigation. The relevant question is whether, in this docket, she was properly served or otherwise voluntarily submitted herself to this Court's personal jurisdiction for adjudication on the merits. She did neither. Her position has been consistent that any appearance was limited procedural, and directed to contesting forced inclusion, jurisdiction, and voidness. It was not a merits appearance and it was not consent to being made a plaintiff in this action.

6. A dismissal for non-participation cannot cure a jurisdictional defect.

Defendant also argues that Ms. Fernandez took no action in this docket and did not oppose the motion to dismiss. But non-participation does not retroactively create

service, consent, or personal jurisdiction where none existed in the first instance. A court must first possess jurisdiction over the person before a binding judgment may enter against that person.

Thus, even if defendant contends that Ms. Fernandez declined to proceed in this docket, that does not answer the threshold defect presented by this motion where defendants still have not shown the jurisdictional basis necessary to support the February 17, 2026 judgment as to her.

7. The relief requested is narrow and strictly jurisdictional.

Ms. Fernandez does not ask this Court, through this Rule 60(b)(4) motion, to adjudicate the merits of any substantive claim, to preserve any claim for merits litigation in this docket, or to treat her as having accepted party status here. She seeks only vacatur of the February 17, 2026 judgment as void as to her, striking of entries improperly attributing party status, claims, or counterclaims to her, and such further relief as is necessary to remove her from this action without merits effect as to her and restore the proper jurisdictional posture. That relief is narrow, procedural, and directed solely to validity and jurisdiction, not merits adjudication.

CONCLUSION

Because defendant's opposition concedes that Ms. Fernandez never filed a complaint against defendants in this court and still fails to identify any valid basis for personal jurisdiction and a binding judgment against her in this action, the February 17, 2026 judgment is void as to Sandra Fernandez. The Court should therefore **ALLOW** Ms. Fernandez's Motion to Vacate Void Judgment.

Respectfully submitted,

SANDRA FERNÁNDEZ, *PRO SE, By special appearance only*,

550 Liberty St. Unit 905
Braintree, MA 02184

Tel: (617) 806 6566

Email: sandreva14@yahoo.com

Date: March 18, 2026

/s/ Sandra Fernandez

Sandra Fernandez

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2026 a copy of the foregoing was served electronically on all counsel of record.

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
P: (617) 542-4800
F: (617) 542-4808

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
P: (512) 969-6540
F: (512) 359-7996

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

P: (781) 756-6600
F: (888) 756-6680

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
P: (410) 727-7702
F: (410) 468-2786

SANDRA FERNÁNDEZ, *PRO SE*

/s/ Sandra Fernandez
Sandra Fernandez