

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT
Civil Action No. 2583CV00969

SANDRA FERNANDEZ,)
)
Plaintiff,)
v.)
)
KECHES LAW GROUP, P.C., and)
JONATHAN D. SWEET, ESQ.,)
)
Defendants.)

REPLY IN SUPPORT OF MOTION FOR JUDGMENT ON THE PLEADINGS

Defendants Keches Law Group, P.C. and Jonathan D. Sweet, Esq. (together “Keches”) submit this reply in further support of *Defendants Keches Law Group, P.C. and Jonathan D. Sweet, Esq.’s Motion for Judgment on the Pleadings* (the “Rule 12 Motion”) and in response to *Plaintiff’s Opposition to Defendants’ Motion for Judgment on the Pleadings* (the “Opposition”).

The Opposition reflects the persistent disrespect that plaintiff Sandra Fernandez’s (“Fernandez”) and her husband, Dany Abouelkhier (“Abouelkhier”) have displayed towards this Court and their disregard of its rules.¹ First, the Opposition includes fabricated quotes to caselaw that are misleading. Second, Fernandez compounds her errors by accusing Keches of making disclosures about her child when the Norfolk Superior Court has already ruled that she and Abouelkhier – not Keches – have been the only parties referencing the child on the record. Under these circumstances, Fernandez has failed to raise any legitimate arguments in her Opposition, and the Court should allow Keches’ Rule 12 motion.

¹ See *Court Order After the November 17, 2025 Conference and Hearing* at 6-7, *Abouelkhier, et al. v. Marina Bay Residences, LLC, et al.*, Civil Action No. 2582CV00364, in which the Norfolk Superior Court details the conduct of Fernandez and Abouelkhier.

I. FERNANDEZ’S OPPOSITION CONTAINS HALLUCINATIONS.

The Opposition opens with a fabricated quotation from *Jarosz v. Palmer*, 436 Mass. 526 (2002). On page 2, Fernandez concedes that this Court may take judicial notice of the existence of court records in related litigation, but then fabricates a quote from *Jarosz* that this Court, “may not take judicial notice of the truth of disputed factual assertions contained within those records,” citing to *Jarosz* at page 530. The quoted language does not appear in the *Jarosz* opinion anywhere. *See Jarosz*, 436 Mass. at 530 *and throughout*. Instead, the *Jarosz* Court actually wrote:

[i]t seems reasonable to take judicial notice of facts when considering a motion to dismiss under Mass. R. Civ. P. 12(b)(6) . . . we see no reason that a judge may not also consider on a rule 12(c) motion those facts of which judicial notice can be taken. Further, a judge may take judicial notice of the court’s records in a related action.

Jarosz, 436 Mass. at 530 (internal citation omitted). Further, the Court quoted *Massachusetts Evidence*, P.J. Liacos, § 2.8.1 (7th ed. 1999), “[a]s to . . . related proceedings, a court may also take judicial notice of the records of other courts.”

Ironically, Keches cited to *Jarosz* in its original papers for the proposition that Keches was permitted to submit court records from related litigation in support of its Rule 12 Motion. In *Jarosz* the Supreme Judicial Court rejected that plaintiff’s argument that the trial court should not have considered any materials outside of the pleadings in deciding the defendants’ motion for judgment on the pleadings. *Id.* at 529-30. Here, Keches has referred this Court to dockets and filings in related proceedings to establish the procedural history of this matter.

On page 3 of the Opposition, Fernandez purportedly quotes *Flynn v. Wallace*, 359 Mass. 711, 720 (1971), “noting that a breach of contract ‘entitles the party to at least nominal damages’.” This statement, however, does not appear anywhere in the opinion, and there is nothing in *Flynn* that even addresses the issue of nominal contract damages. Similarly, she fabricated a quote from

Blanchard v. Steward Carney Hospital, Inc., 477 Mass. 141, 158 (2017), arguing that dismissal was inappropriate where the “applicability and scope of the [litigation] privilege depend upon disputed facts.” *Blanchard*, however, contains no such quote, and the cited page addresses the application of a special motion to dismiss under the anti-SLAPP statute, G.L. c. 231, § 59H, not the applicability of the litigation privilege. It appears that Fernandez may have used ChatGPT or some similar AI program to generate the Opposition, so that brief is prone to contain “hallucinations.”

II. THE SUPERIOR COURT HAS ALREADY RULED THAT FERNANDEZ AND ABOUELKHIER – NOT KECHES – HAVE BEEN MAKING REFERENCES TO THE CHILD ON THE RECORD.

The unreliability of the Opposition does not end with the fabricated case citations. Fernandez misrepresents to the Court that Keches had disclosed her child’s identity and personal information in Court. The Norfolk Superior Court, however, has already ruled that this allegation is a fabrication.

In the underlying class action litigation against Marina Bay Residences, LLC, Fernandez brought a motion for a protective order for her minor son, purportedly against disclosures by Keches. Keches explained to the Court that it had not said or written anything that would endanger or prejudice Fernandez’s child, but instead, Abouelkhier himself had disclosed personal information about the child.² The Norfolk Superior Court agreed, and by Order dated June 25, 2025, denied Fernandez’ motion for protective relief:

for all the reasons set out in the opposition, but most especially because the moving party and her husband are the only persons who have made any referent to K.F. on the record.

Clerk’s Notice, June 25, 2025, from the Class Action, attached as Exhibit A.

² See *Materna v. Marina Bay Residences, LLC*, (Civil Action no. 2382CV00389) (the “Class Action”), docket entries nos. 80.0, 80.1, and 81.

Respectfully submitted,

KECHES LAW GROUP, P.C. and
JONATHAN D. SWEET, ESQ.

By their attorneys,

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Dated: March 20, 2026

CERTIFICATE OF SERVICE

I certify that this document was served on plaintiff by email and first-class mail at:

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/s/ Eyal Schwartz
Eyal Schwartz

EXHIBIT A

CLERK'S NOTICE		DOCKET NUMBER 2382CV00389	Trial Court of Massachusetts The Superior Court 
CASE NAME: Materna, Beth et al vs. Marina Bay Residences, LLC et al			Walter F. Timilty Norfolk County
TO: Jonathan David Sweet, Esq. Keches Law Group, P.C. 2 Granite Ave Suite 400 Milton, MA 02186			COURT NAME & ADDRESS Norfolk County Superior Court 650 High Street Dedham, MA 02026
You are hereby notified that on 06/25/2025 the following entry was made on the above referenced docket: Endorsement on motion for (#80.0): protective relief (pursuant to Mass. R. Civ. P. 17(c) and 27(c)) DENIED for all the reasons set out in the opposition, but most especially because moving party and her husband are the only persons who have made any detailed referent to K.F on the record. While it is difficult to imagine a situation arising from this litigation that would require any detailed disclosure about the child, if an actual issue arises, it can be brought before the Court. (dated 6/20/2025) ns ni Judge: Leighton, Hon. Joseph			
DATE ISSUED 06/25/2025	ASSOCIATE JUSTICE/ ASSISTANT CLERK Hon. Joseph Leighton		SESSION PHONE# (781)326-1600