

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.)

FILED
COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPT. OF THE TRIAL COURT
PLYMOUTH COUNTY

MAR 23 2026

[Signature]
Clerk of Court

**DEFENDANTS KECHES LAW GROUP, P.C. AND JONATHAN D. SWEET, ESQ.’S
MOTION TO STAY DISCOVERY PENDING THE COURT’S RULING ON ITS
MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendants Keches Law Group, P.C. and Johnathan D. Sweet, Esq. (together “Keches”) by and through their counsel, hereby respectfully move for the Court to stay all further discovery in this legal malpractice action until the Court has adjudicated *Defendants Keches Law Group, P.C. and Jonathan D. Sweet, Esq.’s Motion for Judgment on the Pleadings* (the “Rule 12 Motion”) served on February 20, 2026. The Court should stay all discovery in this case to save the parties from needlessly incurring litigation costs where the resolution of Keches’ Rule 12 Motion may be dispositive of this case, rendering discovery unnecessary.

In further support of this motion, Keches states as follows:

1. This action arises out of the class action lawsuit, *Beth Materna, et al. vs. Marina Bay Residences, LLC, et. al.*, Civil Action No. 82CV00389 – in which the underlying plaintiffs brought claims against their landlord Marina Bay Residences, LLC concerning water intrusion. Keches represented the class action plaintiffs – including the Plaintiff Sandra Fernandez

(“Fernandez”) and her husband, Dany Abouelkhier (“Abouelkhier”), until Abouelkhier’s acrimonious removal as would-be class representative and Fernandez’s subsequent removal from the class. The parties dispute whether the severance of Fernandez’ litigation from the class action caused her any harm and whether Keches properly represented her as part of the plaintiff class.

2. Simultaneously with the service of this motion, Keches also served its Rule 12 Motion on February 20, 2026. Keches argues in its Rule 12 Motion that Fernandez’s complaint fails because (i) it is brought in bad faith and is nothing more than part of the campaign of vexatious litigation that Fernandez and her husband have been pursuing to disrupt the underlying class action proceeding and harass Keches, (ii) Fernandez has suffered no cognizable harm because her rights were preserved in the severed action, and (iii) her claims are insufficient to meet her pleading burdens.

3. Because Keches’ Rule 12 Motion may be dispositive, there is no need to take any discovery prior to the resolution of the motion if the case can be resolved expeditiously without incurring additional unnecessary litigation costs. A chance to spare the parties from potentially unnecessary discovery is appropriate in this case.

4. In addition, the Court should stay the running of all of the remaining deadlines (in addition to the discovery deadline) in the Tracking Order for this matter and modify the Tracking Order after the adjudication of the motion should any of Plaintiff’s claims remain in the case.

WHEREFORE, and for the foregoing reasons, Keches respectfully request the Court allow this motion and stay all discovery pending resolution of the Rule 12 Motion.

Respectfully submitted,

KECHES LAW GROUP, P.C. AND
JONATHAN D. SWEET, ESQ.'S

By their attorneys,

/s/ Eyal Schwartz

Edward S. Cheng BBO #634063

Eyal Schwartz BBO #713644

SHERIN AND LODGEN LLP

One Lincoln Street, 14th Floor

Boston, Massachusetts 02111

617.646.2000

escheng@sherin.com

eschwartz@sherin.com

Dated: February 20, 2026

CERTIFICATE OF CONSULTATION

I, Eyal Schwartz, certify that on February 19, 2026, prior to serving this Motion, I conferred with plaintiff Sandra Fernandez. The parties, however, were unable to resolve the issues presented in the Motion.

/s/ Eyal Schwartz

Eyal Schwartz

CERTIFICATE OF SERVICE

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

Sandra Fernandez, *pro se*
550 Liberty Street, Unit 905
Braintree, MA 02184
Sandreval14@yahoo.com

/s/ Eyal Schwartz

Eyal Schwartz