

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT**

SUPERIOR COURT DEPARTMENT

PLYMOUTH, ss.

Civil Action No.: 2583CV00969

SANDRA FERNANDEZ,
Plaintiffs,

v.

**KECHES LAW GROUP, P.C., and
JOHNATHAN D. SWEET, Esq.,**
Defendant.

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' EMERGENCY MOTION TO
ENLARGE TIME FOR RESPONSIVE PLEADING**

Plaintiff Sandra Fernandez respectfully opposes Defendants Keches Law Group, P.C. and Jonathan D. Sweet, Esq.'s Emergency Motion to Enlarge Time for Responsive Pleading.

For the reasons below, the motion should be denied, or in the alternative, the extension should be no longer than the 20 days Plaintiff already offered in writing.

I. INTRODUCTION

Defendants style their request as an "emergency," yet no emergency exists.

Defendants were served, contacted Plaintiff the very next day, and Plaintiff responded within hours, offering a reasonable 20-day courtesy extension.

Instead of continuing the Rule 9C discussion or offering *any* counter-proposal, Defendants immediately filed an "emergency" motion seeking nearly two months,

despite being:

- well within their original Answer deadline,
- represented by a large, well-resourced Boston law firm, and
- facing a straightforward malpractice complaint.

The motion misuses Rule 6(b), bypasses Rule 9A without justification, and wastes judicial resources.

II. RELEVANT FACTS

1. Plaintiff filed her Complaint on October 17, 2025.
2. Defendants were served on November 13, 2025.
3. Defendants retained counsel on November 20, 2025.
4. On November 21, counsel requested an extension to January 15, 2026—
nearly two months.
5. Plaintiff responded within three hours, offering a 20-day extension.
6. Defendants did not continue the 9C discussion, offer a middle ground, or
request further dialogue.
7. Instead, they filed an “emergency” motion, claiming there was “no time” for
Rule 9A.
8. Defendants remain nowhere near default; the Answer deadline is December
2nd, 2025.
9. Defendants have failed to provide required disclosures, including:
 - malpractice insurance information,
 - Plaintiff’s complete client file (requested for months),
 - responses to Plaintiff’s October 2025 demand letter.

These failures prejudice Plaintiff and further counsel against delay.

III. LEGAL ARGUMENT

A. There is no emergency under Rule 6(b).

Rule 6(b) requires good cause. Defendants offer none.

- The Complaint is ordinary in length and complexity.
- Defendants are attorneys represented by a substantial law firm.
- Holidays do not create an emergency where service was made November 13

and counsel appeared November 20.

- Defendants waited one day before requesting a two-month delay.

The Court has repeatedly held that routine scheduling issues do not constitute emergencies and must proceed under Rule 9A.

Defendants' motion should be denied on this ground alone.

B. Defendants improperly attempted to avoid Rule 9A.

Rule 9A is designed to prevent precisely this type of gamesmanship.

Defendants:

- initiated a Rule 9C discussion,
- received Plaintiff's prompt and reasonable proposal,
- refused further discussion,
- and immediately filed an "emergency" motion.

This is not permitted under Rule 9A, Rule 9C, or standard Massachusetts Superior Court practice.

The Court should not reward the deliberate misuse of the emergency docket.

C. Plaintiff already offered a reasonable extension.

Plaintiff offered a 20-day extension, which is:

- consistent with ordinary practice,
- sufficient for any competent counsel,
- fair to both sides.

There is no justification for a two-month delay.

D. A two-month delay would materially prejudice Plaintiff.

While the merits of the malpractice case are separate from Defendants' conduct in other courts, the prejudice is direct and ongoing:

- Defendants continue to take actions adverse to Plaintiff and her minor son in separate courts.
- Defendants have failed to provide Plaintiff's client file, malpractice insurance disclosures, and responses to Plaintiff's demand letters.
- The consequences of Defendants' prior representation are ongoing and daily.

The Court should not permit Defendants to delay accountability while simultaneously engaging in conduct that continues to harm Plaintiff.

E. Defendants improperly inject irrelevant, incorrect, and prejudicial accusations.

Defendants' motion noticeably lacks any legitimate emergency basis.

Instead, it includes gratuitous references to:

- a "husband" who does not exist (Plaintiff is not married),
- unrelated litigation matters,
- irrelevant personal speculation.

These assertions are:

- wholly irrelevant to the extension request;
- factually incorrect;
- designed to distract and inflame; and
- inconsistent with the standards of professionalism expected of counsel,

especially counsel for a large, experienced law firm.

Such statements:

- waste judicial resources,
- misdirect the Court,
- create unnecessary hostility, and
- reveal the lack of true urgency behind the motion.

This pattern, escalating routine procedural issues into “emergencies”, reinforces why the Court should deny the request.

Plaintiff respectfully asks the Court to disregard these statements and instruct Defendants to confine future filings to matters properly before the Court.

RELIEF REQUESTED

Plaintiff respectfully requests that the Court:

1. DENY Defendants’ “Emergency” Motion in full;
2. Require Defendants to proceed under Rule 9A for any renewed request;
3. Alternatively, if the court deems necessary, limit any extension to the 20 days

Plaintiff already offered.

4. Order Defendants to refrain from inserting irrelevant personal accusations or reference to non-parties in future filings;

5. Order Defendants to immediately produce:

- malpractice insurance disclosures (Rule 26(b)(2)),
- Plaintiff's complete client file (Rule 1.16(e)),
- responses to Plaintiff's October 2025 demand letter.

Plaintiff is prepared to file all 9C emails and communications as exhibits if the Court requests them.

CONCLUSION

Defendants' motion presents no emergency, no good cause, and no basis for extraordinary relief. Plaintiff has acted reasonably and in good faith throughout the Rule 9C process; Defendants have not. In light of the record before the Court, Plaintiff respectfully submits that the motion should be denied. However, should the Court determine that an extension is appropriate, Plaintiff requests that it be limited to the brief, reasonable period already offered. Plaintiff trusts the Court's sound discretion to impose an orderly schedule that promotes fairness for both parties, efficiency, and adherence to established procedure.

Respectfully submitted,

Sandra Fernandez,

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November 25, 2025

/s/ Sandra Fernandez
Sandra Fernandez

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2025 a copy of the foregoing was served electronically on all counsel of record.

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By: **/s/ Sandra Fernandez**

Sandra Fernandez