

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.)

**DEFENDANTS KECHES LAW GROUP, P.C. AND JONATHAN D. SWEET, ESQ.’S
MOTION FOR JUDGMENT ON THE PLEADINGS**

(Oral Argument Requested)

Pursuant to Mass.R.Civ.P. 12(c), defendants Keches Law Group, P.C. and Johnathan D. Sweet, Esq. (together “Keches”) move for the Court to enter judgment on the pleadings against plaintiff Sandra Fernandez (“Fernandez”) on all counts of her complaint. The Court should dismiss this action because it is nothing more than part of Fernandez’ campaign of vexatious litigation intended to disrupt an underlying class action (as characterized by the Norfolk Superior Court.) Moreover, where the gravamen of Fernandez’s claims is that she was harmed by the severance of her litigation from an underlying class action, she actually suffered no harm because all of her rights were preserved as a matter of law.

In further support of this Motion, Keches state 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 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 Court required Fernandez and Abouelkhier to litigate their claims against the landlord (and the landlord’s counterclaims) in their own severed action the (“Severed Action”).

2. Fernandez believes that she had been harmed by the severance of her case from the class action and blames Keches. As a matter of law, however, she suffered no cognizable injury where she retained all of her claims and rights in the Severed Action. Moreover, Fernandez has since caused the Court to dismiss all of her claims against the landlord because she refused to litigate in the Severed Action. Under these circumstances, Fernandez’ claims fail as a matter of law, because she lost no rights as a result of anything that Keches did or did not do, and at this point, she has directly caused the dismissal of her claims against the landlord as well as the entry of judgment against her on the landlord’s counterclaims. In addition to the absence of any proximately caused injury, Fernandez’ claims also fail as a matter of law because she has not pled all of the necessary elements for each count of her complaint.

3. In further support of this Motion, Keches rely on the arguments and authorities set forth in the Defendants’ *Memorandum of Law in Support of Motion for Judgment on the Pleadings*.

WHEREFORE, Keches respectfully requests the Court enter an Order of judgment on the pleadings that dismisses all counts of the Plaintiff’s complaint. Additionally, because Fernandez’ claims are both vexatious and meritless, the Court should award Keches its attorney’s fees and costs incurred in defending itself against this action.

Respectfully submitted,

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

By their attorneys,

/s/ Edward S. Cheng
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

REQUEST FOR ORAL ARGUMENT

Pursuant to Superior Court Rule 9A(c)(3), defendants Keches Law Group, P.C. and Johnathan D. Sweet, Esq. request a hearing on their Motion. Defendants Keches Law Group, P.C. and Johnathan D. Sweet, Esq. believe that oral argument will aid the Court in adjudication of this motion.

CERTIFICATE OF CONSULTATION

I, Eyal Schwartz, certify that on February 19, 2026, prior to serving this Motion, I conferred with plaintiff Sandra Fernandez. She did not respond, so the parties 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
Sandreva14@yahoo.com

/s/ Eyal Schwartz
Eyal Schwartz