

**COMMONWEALTH OF MASSACHUSETTS
HOUSING COURT DEPARTMENT
METRO SOUTH DIVISION**

NORFOLK, SS.

DOCKET No. 26H82CV00011

LENOX FARMS LIMITED PARTNERSHIP,

Plaintiff,

v.

DANY ABOUELKHIER,

Defendant.

**DEFENDANT'S EMERGENCY MOTION TO CONTINUE AND RESCHEDULE
HEARING ON REQUEST FOR PRELIMINARY INJUNCTION
WITH INCORPORATED MEMORANDUM OF LAW**

The Defendant, Dany Abouelkhier, appearing specially and without waiver of any previously asserted objections, defenses, pending motions, or rights, respectfully moves this Court for a brief continuance of the Hearing on Request for Preliminary Injunction presently scheduled for June 1, 2026.

In support thereof, Defendant states as follows:

Defendant is presently away due to the recent death of a close family member.

Defendant is attending to family obligations and travel arising from that loss and is therefore unable to appear at the scheduled hearing.

These circumstances were unforeseen, unavoidable, and beyond Defendant's control.

Defendant files this motion promptly upon determining that he would be unable to attend the scheduled hearing.

This is Defendant's first request for a continuance arising from emergency bereavement-related circumstances.

A supporting affidavit is filed contemporaneously herewith.

MEMORANDUM OF LAW

Good cause exists for a brief continuance.

The matter presently before the Court concerns Plaintiff's pending request for preliminary injunctive relief. Defendant is presently unable to attend due to the recent death of a close family member and the resulting family obligations and travel.

The present circumstances were not reasonably foreseeable and could not have been addressed through advance scheduling.

Defendant seeks only a brief continuance sufficient to permit his participation in the proceeding. This request is made in good faith and not for purposes of delay.

Any prejudice resulting from a brief continuance is limited and temporary and may be addressed through prompt rescheduling. By contrast, substantial prejudice would result if Plaintiff's pending request for preliminary injunctive relief were adjudicated while Defendant is unable to appear because of unforeseen circumstances beyond his control.

The requested continuance is narrowly tailored and seeks only to preserve Defendant's ability to participate in a proceeding that may materially affect his rights.

Under these circumstances, good cause exists for a brief continuance, and the interests of fairness and orderly adjudication favor rescheduling the hearing to a future date set by the Court.

In the alternative, should the Court decline to continue the hearing, Defendant respectfully requests that no ruling enter on Plaintiff's request for preliminary injunctive relief until Defendant has had a reasonable opportunity to be heard.

RESERVATION OF RIGHTS

Defendant appears specially and solely for purposes of seeking emergency scheduling relief.

Nothing contained in this motion shall be construed as:

- (a) consent to jurisdiction;
- (b) withdrawal of Defendant's special appearance;
- (c) waiver of any pending motion;
- (d) waiver of any previously asserted objection concerning service of process, sufficiency of process, timeliness of service, personal jurisdiction, subject matter jurisdiction, or any other threshold issue; or
- (e) waiver of any procedural, statutory, constitutional, appellate, or other rights.

Defendant respectfully seeks only temporary scheduling relief necessitated by emergency family circumstances.

WHEREFORE, Defendant respectfully requests that this Court:

Continue the June 1, 2026 Hearing on Request for Preliminary Injunction;

Reschedule the hearing to a future date set by the Court;

Alternatively, defer any ruling on Plaintiff's request for preliminary injunctive relief until Defendant has had a reasonable opportunity to be heard; and

Grant such further relief as justice may require.

Respectfully submitted,

Dany Abouelkhier

Defendant, Pro Se

550 Liberty Street, Unit 905

Braintree, MA 02184

Email: danytaw@yahoo.com

Dated: May 28, 2026

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2026 a copy of the foregoing was served electronically on all counsel of record.

Lisa M. Gouveia, Esq. (*Counsel for Plaintiff Lenox Farms Limited Partnership*)
Email: lgouveia@slglegalgroup.com

Respectfully submitted,

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/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)