

**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 SPECIAL APPEARANCE AND MOTION TO CORRECT DOCKET
MISATtribution, TO ESTABLISH PROCEDURAL BOUNDARIES, AND TO
PRECLUDE CROSS-DOCKET ATTRIBUTION OR CONSOLIDATION**
(With Incorporated Memorandum of Law)

I. SPECIAL APPEARANCE

Defendant appears specially and not generally, solely to correct the record and establish procedural boundaries. This filing does not constitute acceptance of this action, this docket, or the Court's jurisdiction.

II. NON-ACCEPTANCE OF ACTION FOR LACK OF PROPER COMMENCEMENT

Defendant expressly states that this action has not been properly commenced as to him.

The docket does not reflect issuance or service of a summons in accordance with Massachusetts Rule of Civil Procedure 4, and the materials reflected consist of notice-based documents and filings associated with other dockets.

Accordingly:

- Defendant does **not accept this action as properly commenced**;
- Defendant does **not accept this docket as binding upon him**;
- Defendant does **not accept any purported service reflected in the record**

as valid service of process.

This filing is made solely by special appearance to preserve objections and correct the record.

III. RELIEF REQUESTED

Defendant respectfully requests that the Court:

1. Correct docket entries to reflect the proper filing party;
2. Remove or amend entries suggesting joint filings where none occurred;
3. Clarify that filings are party-specific and not joint;
4. Preclude cross-docket attribution of filings or participation;
5. Decline any consolidation or joint treatment absent formal order;
6. Recognize that the current record does not establish valid service or jurisdiction;
7. Grant such further relief as is just and appropriate.

MEMORANDUM OF LAW

IV. CORE ISSUE: MISATTRIBUTION OF FILINGS

The docket reflects entries attributing filings to both Plaintiff and Defendant, including:

“Proposed Exhibit Filed by Lenox Farms Limited Partnership, Dany Abouelkhier”

These entries are incorrect.

Defendant has:

- not filed any joint pleadings or exhibits with Plaintiff;
- not authorized Plaintiff to file on his behalf;
- not adopted or incorporated Plaintiff's filings.

The docket therefore creates a **false appearance of joint litigation conduct** and must be corrected.

V. DUPLICATIVE AND INCONSISTENT ENTRIES DISTORT THE RECORD

The docket further reflects:

- entries listing multiple parties for single filings;
- overlapping or repeated entries tied to the same events;
- attribution inconsistent with an adversarial posture.

Such entries create a misleading record suggesting:

- joint participation;
- shared filings;
- coordinated litigation conduct.

Defendant expressly rejects any such characterization.

VI. NO JOINT FILINGS AND NO ADOPTION OF OPPOSING PARTY MATERIALS

Defendant states unequivocally:

- all filings made by Defendant are independent;
- no filing by Plaintiff is adopted, joined, or incorporated;
- any docket entry suggesting joint filing is incorrect.

VII. CROSS-DOCKET ATTRIBUTION IS IMPROPER

This action is separate from any other matter, including:

- Docket No. 26H82CV00012;
- any related proceedings concerning the same property.

Defendant states:

- no filing in another docket is attributable here;
- no participation in another case constitutes participation in this action;
- no document from another proceeding may be used to establish filing, service,

or jurisdiction here.

Overlap of facts does not merge procedural records.

VIII. OPPOSITION TO CONSOLIDATION OR JOINT TREATMENT

Defendant expressly opposes:

- any consolidation of this action with any other case;
- any joint treatment of filings across dockets;
- any reliance on materials from other dockets to define the record here.

Absent a formal order, **each case must be adjudicated independently.**

IX. LIMITED BUT EXPRESS PRESERVATION REGARDING SERVICE AND JURISDICTION

Defendant further states:

- no summons has been issued or served in this action as required under

Massachusetts Rule of Civil Procedure 4;

- the only materials reflected consist of notice of hearing and motion-related documents, including materials referencing other dockets;

- such materials do not constitute valid service of process and do not establish personal jurisdiction.

To the extent injunctive relief has been sought or referenced:

- such relief requires proper notice and jurisdiction;
- absent valid service, jurisdiction has not been established.

Defendant therefore:

- does not accept service in this action;
- does not accept jurisdiction based on the current record;
- preserves all defenses relating to service and jurisdiction.

X. LEGAL STANDARD

Under Massachusetts Rule of Civil Procedure 60(a), the Court may correct errors in the record to ensure it accurately reflects what occurred.

This includes correction of docket entries that:

- misidentify filing parties;
- inaccurately reflect procedural posture;
- create misleading impressions of joint conduct.

XI. ARGUMENT

A. The Record Must Reflect Party-Specific Filings

Misattribution obscures who filed what and undermines record integrity.

B. Administrative Entries Cannot Create Joint Conduct

Clerical or administrative entries cannot transform independent filings into joint participation.

C. Cross-Docket Blending Is Procedurally Improper

Each case requires independent filings, service, and jurisdiction.

D. Clarification Prevents Repetitive Filings

Clear boundaries reduce confusion and avoid unnecessary motion practice.

XII. PROSPECTIVE PROCEDURAL BOUNDARIES

To avoid continued confusion and unnecessary filings, Defendant requests that the Court recognize that:

- filings shall be attributed only to the submitting party;
- no filing shall be treated as joint absent express authorization;
- materials from other dockets shall not be incorporated without proper basis;
- participation in other proceedings shall not be treated as participation here;
- this action shall not be treated as consolidated absent formal order.

XIII. RESERVATION OF RIGHTS

Defendant:

- does not accept any joint attribution of filings;
- does not accept cross-docket attribution;
- does not accept this docket as properly invoking jurisdiction; and preserves all

defenses, including insufficiency of service, lack of personal jurisdiction, and improper commencement.

No filing shall be construed as consent, waiver, or participation beyond this special appearance.

XIV. CONCLUSION

This motion seeks a limited but necessary correction of the record and clarification of procedural boundaries to ensure that:

- filings are accurately attributed;

- dockets remain procedurally independent;
- the integrity of the record is preserved.

Respectfully submitted,

Dany Abouelkhier

Defendant, Pro Se

550 Liberty Street, Unit 905

Braintree, MA 02184

Email: danytao@yahoo.com

Dated: March 27, 2026

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 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,

Dany Abouelkhier
550 Liberty street unit 905
Braintree, MA, 02184
(617) 909-7799
danytao@yahoo.com

/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)