

**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 STAY ANY ORDER GRANTING
INJUNCTIVE RELIEF
(With Incorporated Memorandum of Law and Request for Immediate Presentment)**

INTRODUCTION

Defendant respectfully moves for a stay of any order granting Plaintiff’s application for preliminary injunctive relief.

Plaintiff seeks relief that would prohibit Defendant from entering or residing at the premises. Such relief would, in practical effect, remove Defendant from residential occupancy prior to adjudication of the parties’ rights.

Because the requested relief would operate as a determination of possession, enforcement of any such order before full adjudication would cause immediate and irreparable harm and would circumvent the statutory framework governing possession under G.L. c. 239.

A stay is therefore necessary to preserve the status quo, protect Defendant's rights pending adjudication, and permit meaningful review, including review under G.L. c. 231, § 118.

MEMORANDUM OF LAW

I. DEFENDANT HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS

A stay is warranted where the moving party demonstrates a likelihood of success, irreparable harm, and that the balance of harms favors relief.

Here, any order granting injunctive relief would be subject to substantial challenge because it would:

- resolve disputed factual issues concerning Defendant's status and occupancy;
- require implicit credibility determinations on a contested record; and
- rely, in whole or in part, on non-final material arising from a parallel summary process proceeding.

In addition, such relief would effectively determine possession outside the statutory framework of G.L. c. 239 and prior to adjudication of disputed facts.

Where preliminary injunctive relief depends on contested facts and unresolved issues pending in another proceeding, the likelihood of success requirement is not satisfied, and enforcement of such an order would constitute an abuse of discretion as a matter of law.

II. DEFENDANT WILL SUFFER IRREPARABLE HARM ABSENT A STAY

Absent a stay, Defendant faces immediate exclusion from residential occupancy.

That harm is irreparable.

Removal from residential occupancy cannot be fully remedied after the fact, particularly where the underlying right to occupancy remains disputed and pending adjudication.

Without a stay, Defendant's rights would be effectively determined before adjudication and before any meaningful opportunity for review.

III. THE BALANCE OF HARMS FAVORS DEFENDANT

The harm to Defendant is immediate, substantial, and irreversible in practical effect.

By contrast, Plaintiff faces no comparable harm from a stay. Plaintiff has already invoked summary process and has a pending forum in which to adjudicate its claims and obtain relief.

A stay preserves the status quo—the last actual, peaceable condition of the parties—pending adjudication.

IV. THE PUBLIC INTEREST SUPPORTS A STAY

The public interest favors:

- adherence to statutory procedures governing possession under G.L. c. 239;
- avoidance of duplicative and inconsistent adjudications; and
- ensuring that residential occupancy is not terminated without full adjudication

and an opportunity for review.

Granting a stay advances each of these interests.

CONCLUSION

For the foregoing reasons, Defendant respectfully requests that the Court:

- stay enforcement of any order granting injunctive relief pending further proceedings and any applicable review; and
- grant such further relief as justice requires.

REQUEST FOR IMMEDIATE PRESENTMENT

Immediate consideration is warranted given the nature of the requested relief, the risk of immediate irreparable harm, and the need to preserve the status quo pending adjudication and review.

Respectfully submitted,

Dany Abouelkhier

Defendant, Pro Se

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Dated: March 23, 2026

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 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*)
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Respectfully submitted,

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/s/ Dany Abouelkhier
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