

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

NORFOLK, SS.

DOCKET No. 26H82CV00012

LENOX FARMS LIMITED PARTNERSHIP,

Plaintiff,

v.

SANDRA FROMMER,

Defendant.

**DEFENDANT'S EMERGENCY MOTION FOR STAY OF EXECUTION AND
ENFORCEMENT PENDING APPEAL AND REQUEST FOR IMMEDIATE
PRESENTMENT (WITH INCORPORATED MEMORANDUM OF LAW)**

Sandra Frommer, Defendant, pro se, respectfully moves on an emergency basis for a stay of execution and enforcement pending appeal and requests immediate presentment, and states as follows:

I. PROCEDURAL POSTURE

1. Plaintiff commenced this civil action seeking injunctive relief affecting Defendant's occupancy of the premises.
2. The docket reflects that a hearing was held on a request for injunctive relief, with entries identifying the matter as "TRO or PI."
3. The Court thereafter issued a written order allowing injunctive relief affecting Defendant's ability to enter, reside in, or remain at the premises.
4. Defendant has filed a Notice of Appeal.

5. Defendant has also filed a Motion to Stay Enforcement pursuant to Mass. R. Civ. P. 62(c), which remains pending.

6. Enforcement may occur imminently unless stayed.

II. LACK OF CLEAR AND CONSISTENT NOTICE OF OPERATIVE ORDER

7. The docket reflects inconsistent designation of the relief at issue, including references to a Temporary Restraining Order (“TRO”) and/or Preliminary Injunction (“PI”).

8. A TRO and a Preliminary Injunction are procedurally distinct forms of relief governed by different standards and timelines.

9. Defendant has not received clear notice of any ruling from March 2, 2026, nor clear notice of the written order reflected on or around March 17–18, 2026.

10. Defendant therefore cannot determine:

- whether the operative order is a TRO or a Preliminary Injunction;
- when the operative order became effective;
- whether the written order superseded prior relief; and
- the precise scope and procedural basis of the injunction being enforced.

11. Defendant became aware of these inconsistencies through independent review of the docket and available filings, including instances where documents could not be accessed.

12. Without clear notice of the operative order, Defendant cannot meaningfully determine her obligations or respond under the appropriate procedural rules.

III. MULTIPLE PROCEEDINGS AND UNDEFINED PROCEDURAL FRAMEWORK

13. The record reflects multiple hearings and orders across related matters concerning the same premises.

14. No summons appears to have been issued or served in this civil docket.

15. The Court has not issued a clarifying order defining:

- how these proceedings are coordinated; or
- whether the TRO or injunctive relief is intended to operate independently of, or

in conjunction with, the summary process proceeding.

16. A summary process action concerning the same premises remains pending, which is the statutory mechanism for determining possession.

17. Enforcement of the injunction at this stage would operate in a manner functionally equivalent to a determination of possession outside that statutory framework and prior to appellate review.

18. Defendant also filed a separate civil action against Plaintiff in or around November 2025, to which Plaintiff appeared and responded. Portions of that record no longer appear consistently on the docket, and Defendant attaches copies as exhibits.

IV. LEGAL STANDARD

19. Under Mass. R. Civ. P. 62(c), the Court retains authority to stay enforcement of an injunction pending appeal.

20. Massachusetts courts consider whether:

- enforcement would alter the status quo;
- irreparable harm would result; and

- the circumstances warrant preservation of the parties' positions pending review. See *Packaging Industries Group, Inc. v. Cheney*, 380 Mass. 609 (1980).

21. Irreparable harm exists where the harm cannot be adequately remedied after the fact.

V. APPLICATION

22. Enforcement here would:

- effect an immediate change in possession;
- occur before disposition of the pending Motion to Stay; and
- occur before appellate review.

23. The operative order, its timing, and its procedural classification are not clearly defined through consistent notice.

24. Enforcement under these circumstances risks proceeding without a clearly established procedural basis.

25. Defendant is attempting to respond and comply in good faith but cannot do so where the nature and scope of the order are not clearly defined.

VI. DISPUTED RECORD

26. The Court's order relies on a finding that the record is "undisputed."

27. Defendant has submitted and is prepared to submit evidence demonstrating that material facts remain contested, including:

- occupancy known to and facilitated by management, including phone, email, and in-person communications;
- communications acknowledging Defendant's presence and that of her minor child;

- communications involving leasing to others through management;
- facts relevant to possession, tenancy, payments, utilities, and access;
- witness testimony regarding payments made directly to management and access to the premises;
- documentation and access related to inspections, including Health Department involvement;
- communications referring to the premises as “my home.”

Including in contact with Plaintiff Attorney regarding pending trial proceedings, transfers of complaint without knowledge and having now a complaint that is missing affidavit of indigency accepted by superior court, Sheriff summons, notice of appearances, answer to complaint , appeals court dockets, complaint title; filings, been requested discovery as well before second transfer.

28. Accordingly, the record cannot be treated as undisputed for purposes of enforcement.

VII. IRREPARABLE HARM

29. Enforcement would result in immediate and severe harm.

30. Defendant resides with her minor child, who is homeschooled and dependent on her care.

31. Defendant has:

- informed the Court that both she and her child have been ill;
- experienced two recent deaths, including a close personal connection within the household context;
- filed an Affidavit of Indigency; and

- applied for housing assistance, including RAFT.

32. Absent a stay, Defendant and her minor child face immediate homelessness, loss of stability, and disruption of schooling and community.

33. Such harm cannot be undone if enforcement proceeds before appellate review.

34. Plaintiff is a publicly traded company (UDR) with substantial resources and ongoing operations, including active construction at the property.

VIII. NECESSITY OF MAINTAINING STATUS QUO

35. A stay will preserve the status quo while the Court considers the pending Motion to Stay and while appellate review proceeds.

36. Denial of a stay would effectively moot the appeal by allowing enforcement before review can occur, leaving Defendant without housing during that process.

IX. REQUEST FOR IMMEDIATE PRESENTMENT

37. Because enforcement may occur imminently, Defendant respectfully requests immediate presentment of this motion.

X. REQUEST FOR RELIEF

WHEREFORE, Defendant respectfully requests that the Court:

1. Immediately stay execution and enforcement of the injunctive order;
 2. Refrain from issuing any execution;
 3. Refrain from permitting any constable or sheriff enforcement;
 4. Maintain the status quo pending disposition of the Motion to Stay and appeal;
- and
5. Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Sandra Frommer
550 Liberty street unit 905
Braintree, MA, 02184
(617) 806-6566
sandrafrommer@gmail.com
Date: March 24, 2026

/s/ Sandra Frommer

Sandra Frommer (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 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,

Sandra Frommer
550 Liberty street unit 905
Braintree, MA, 02184
(617) 806-6566
sandrafrommer@gmail.com

/s/ Sandra Frommer
Sandra Frommer (Pro Se)