

**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 ENFORCEMENT OF
PRELIMINARY INJUNCTION PURSUANT TO MASS. R. CIV. P. 62(c), WITH
INCORPORATED MEMORANDUM OF LAW AND REQUEST FOR PROTECTIVE
RELIEF
(WITH REQUEST FOR PRESENTMENT)**

INTRODUCTION

Defendant Sandra Frommer respectfully moves, on an emergency basis, for a stay of enforcement of the March 17, 2026 preliminary injunction pursuant to Mass. R. Civ. P. 62(c).

This request is necessary to preserve the status quo and ensure that enforcement does not proceed on an incomplete procedural record or in a manner that alters pending claims arising from the same premises and conduct, including a Superior Court action brought on behalf of a minor.

The injunction was entered based on a record that does not reflect the complete procedural posture of the underlying dispute and therefore cannot be treated as undisputed for purposes of exclusionary relief.

If enforced, the injunction would:

- effectuate exclusion from the premises prior to adjudication of related claims;
- alter the factual circumstances underlying pending litigation; and
- rely on a record that does not reflect the full procedural posture of the

underlying dispute.

FACTUAL AND PROCEDURAL CONTEXT

1. On March 17, 2026, the Court entered a preliminary injunction.
2. Defendant has filed a motion to vacate and dismiss raising jurisdictional and procedural defects, including lack of service and improper use of injunctive relief to effectuate dispossession outside statutory procedures.
3. Prior to the injunction, Defendant commenced an action in Suffolk Superior Court (2584CV03086), which was:
 - filed;
 - served;
 - answered; and
 - subject to subsequent procedural and appellate activity.
4. That action now appears in the Housing Court as docket number 26H82CV00041 following transfer.
5. The transferred docket does not reflect, on its face, the full procedural posture of the originating action, including responsive pleadings and related filings.
6. Defendant also commenced a separate Superior Court action on behalf of her minor child (2584CV03275), asserting claims including:
 - unsafe and hazardous conditions;

- statutory violations;
- personal injury;
- and conduct arising from the same premises.

7. Both actions remain pending and unresolved.

8. Defendant and her minor child reside at the premises and have been granted indigency status.

9. As reflected in email communications dated October 31, 2024 (attached as Exhibits A–C), Plaintiff’s management:

- requested the minor’s full name and birthdate for purposes of adding him to the lease;
- received and processed that information; and
- confirmed that it would “confirm once [the minor] is added.”

LEGAL STANDARD

Under Mass. R. Civ. P. 62(c), the Court may stay enforcement of an injunction pending further proceedings.

The governing standard is set forth in *Packaging Industries Group, Inc. v. Cheney*, 380 Mass. 609, 616–17 (1980), requiring consideration of:

- likelihood of success or serious questions;
- irreparable harm;
- balance of harms;
- public interest.

A stay is appropriate where serious questions exist and the balance of harms favors maintaining the status quo.

ARGUMENT

I. SERIOUS QUESTIONS EXIST THAT PRECLUDE ENFORCEMENT OF EXCLUSIONARY RELIEF

The record is not static and does not consist of a single, uncontested narrative.

Defendant has asserted, in pending proceedings:

- unlawful exclusion and interference with occupancy (G.L. c. 186, § 14);
- retaliation following protected activity (G.L. c. 186, § 18);
- violations of G.L. c. 93A;
- and claims arising from hazardous conditions affecting a minor.

These claims directly relate to the same premises and conduct underlying the injunction and present, at minimum, serious questions going to the merits.

II. THE INJUNCTION DOES NOT RESOLVE THE STATUTORY FRAMEWORK GOVERNING DEFENDANT'S CLAIMS

The injunction rests on findings concerning tenancy or authorization.

However, Defendant's claims arise from:

- Defendants' conduct;
- alleged exclusion without lawful process;
- and statutory protections governing retaliation and interference with occupancy.

Accordingly, enforcement of the injunction without addressing these frameworks risks allowing equitable relief to override statutory protections.

III. THE RECORD IS NOT “UNDISPUTED” AND CONTAINS MATERIAL CONFLICTS

The Court’s order characterizes the record as undisputed.

However, the existence of:

- active litigation;
- conflicting factual assertions;
- statutory claims; and
- documentary communications from Plaintiff confirming awareness of and intent

to formalize the minor’s occupancy demonstrates that the record is not closed and remains materially disputed.

IV. THE INJUNCTION RESTS ON AN INCOMPLETE PROCEDURAL RECORD FOLLOWING TRANSFER

The injunction was entered based on a record that does not reflect the full procedural posture of related proceedings.

The originating Superior Court action (2584CV03086) was:

- filed;
- served;
- answered;
- and subject to additional filings and appellate activity.

Following transfer, the corresponding Housing Court docket (26H82CV00041) does not reflect, on its face, the complete procedural history of that action.

As a result, the record before the Court did not include the full posture of the dispute.

V. PLAINTIFF'S OWN COMMUNICATIONS CONFIRM RECOGNIZED

OCCUPANCY OF THE MINOR AND CREATE A MATERIAL FACTUAL DISPUTE

As reflected in Exhibits A–C:

- Plaintiff requested the minor's identifying information to add him to the lease;
- Defendant provided the requested information; and
- Plaintiff confirmed that it would "confirm once [the minor] is added."

These communications establish that:

- Plaintiff had actual knowledge of the minor's occupancy;
- Plaintiff affirmatively initiated the process of formalizing that occupancy; and
- Plaintiff engaged in conduct consistent with recognizing the minor as an

authorized occupant.

This evidence directly contradicts any characterization of the minor as an unauthorized occupant.

At minimum, it establishes a material factual dispute regarding authorization and occupancy.

Accordingly, the Court's reliance on an "undisputed record" necessarily rests on an incomplete and contradicted record, warranting a stay prior to enforcement.

VI. ENFORCEMENT WOULD ALTER A PENDING MINOR'S CLAIMS AND
REQUIRES HEIGHTENED CAUTION

The minor's presence at the premises was known to and acknowledged by Plaintiff and was the subject of an active lease-addition process initiated by Plaintiff's management.

This matter directly affects a minor who is the plaintiff in a pending Superior Court action arising from the same premises.

Enforcement of the injunction would:

- displace the minor;
- alter the factual circumstances underlying that action;
- and affect the development and presentation of those claims.

Enforcement under these circumstances would effectively determine possessory and factual issues before the Court has considered the complete procedural and factual record.

VII. IRREPARABLE HARM IS IMMEDIATE AND NON-COMPENSABLE

Enforcement will result in:

- loss of housing;
- displacement of a minor;
- disruption of stability, health, and education.

Such harm is irreparable.

VIII. THE BALANCE OF HARMS AND PUBLIC INTEREST FAVOR A STAY

Plaintiff's alleged harm is economic. Defendant faces immediate displacement and impact on a minor.

The public interest supports:

- enforcement of statutory protections;
- preservation of pending claims;
- and orderly adjudication across related proceedings.

IX. IN THE ALTERNATIVE, SECURITY IS REQUIRED UNDER RULE 65(c)

If the injunction remains in place, the Court should require security.

Defendant's pending claims expose Plaintiff to potential liability including:

- statutory damages;
- multiple damages under G.L. c. 93A;
- and damages involving a minor.

X. WRITTEN FINDINGS ARE NECESSARY IF THE STAY IS DENIED

If the Court declines to stay enforcement, Defendant respectfully requests written findings addressing:

- the effect on the minor's pending claims;
- the effect of Plaintiff's documented recognition of occupancy;
- the incomplete procedural record;
- and the basis for exclusionary relief.

REQUEST FOR PRESENTMENT

Immediate presentment is requested due to risk of enforcement and irreparable harm.

RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests:

1. Stay enforcement of the March 17, 2026 injunction;
2. Preserve status quo;
3. Alternatively impose substantial bond;

4. Require written findings;
5. Consider full procedural record;
6. Grant further relief.

Respectfully submitted,

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Date: March 23, 2026

/s/ Sandra Frommer
Sandra Frommer (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 23rd, 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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