

**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 MOTION TO COORDINATE RELATED ACTIONS OR, IN THE
ALTERNATIVE, TO DEFER ENTRY OF PERMANENT EQUITABLE RELIEF**

Defendant Sandra Frommer respectfully moves, pursuant to Mass. R. Civ. P. 42(a) and the Court's inherent authority to manage related proceedings, for coordination of this action with the previously filed related civil action (26H82CV00041) concerning the same premises.

In the alternative, Defendant requests that the Court defer entry of permanent equitable relief pending appropriate procedural sequencing of overlapping factual issues.

A memorandum of law is submitted herewith.

MEMORANDUM OF LAW

I. INTRODUCTION

This injunction action seeks permanent equitable relief declaring that Defendant has no right to possession of the premises and authorizing execution for possession.

A separate civil action (26H82CV00041) involving the same premises and overlapping factual issues was filed prior to this injunction proceeding and was later transferred to this Court at Plaintiff's request.

Rather than seek equitable relief within the transferred action, Plaintiff initiated this separate injunction proceeding.

Because both matters concern the same premises and overlapping factual determinations—including Defendant's status in relation to the premises—procedural coordination or sequencing is appropriate to avoid inconsistent rulings and duplicative adjudication.

II. PROCEDURAL POSTURE OF THE RELATED ACTION

Prior to the filing of this injunction action, Defendant commenced a civil action concerning the same premises (the "Related Action").

Plaintiff subsequently requested transfer of that action to the Housing Court.

Before transfer, the Superior Court docket reflects:

- A timely Jury Demand by Defendant;
- Allowance of Defendant's Affidavit of Indigency pursuant to G.L. c. 261, §§ 27A–27G;
- Pleadings placing material issues in dispute.

Following transfer, the Housing Court docket does not presently reflect all filings and allowances entered in Superior Court, including the jury demand and the previously allowed indigency status.

Transfer of venue does not extinguish properly filed pleadings, preserved jury rights, or allowed indigency determinations. Those attributes travel with the case unless modified by order after notice and hearing.

Proceeding to permanent equitable relief in this separate injunction docket while the Related Action remains pending in a post-transfer posture creates a risk of fragmented adjudication and inconsistent factual determinations.

III. AUTHORITY TO COORDINATE RELATED MATTERS

Mass. R. Civ. P. 42(a) provides that when actions involving a common question of law or fact are pending before the Court, it may order joint hearings or make such orders as may avoid unnecessary cost or delay.

Massachusetts courts recognize the inherent authority of trial courts to control proceedings and prevent multiplicity of actions. See *Peterson v. Hopson*, 306 Mass. 597, 602 (1940).

Where overlapping issues exist, coordination or sequencing is favored to avoid inconsistent determinations. See *Mancuso v. Kinchla*, 60 Mass. App. Ct. 558, 566 (2004).

Here:

- The Related Action was filed first;
- Plaintiff elected to transfer that action to this Court;
- Plaintiff thereafter initiated this separate injunction proceeding;

- Both actions concern the same premises and materially overlapping factual issues.

Under these circumstances, coordination, consolidation, or appropriate sequencing is necessary to avoid duplicative litigation, inconsistent determinations, and unnecessary expenditure of judicial resources.

IV. PERMANENT EQUITABLE RELIEF SHOULD NOT PREEMPT DISPUTED

FACTUAL ISSUES

Permanent injunctive relief requires:

1. Likelihood of success on the merits;
2. Irreparable harm;
3. Absence of an adequate remedy at law; and
4. A favorable balance of equities.

See *Packaging Industries Group, Inc. v. Cheney*, 380 Mass. 609, 616–17 (1980).

This action seeks a declaration that Defendant has no possessory rights and requests execution for possession.

However, Defendant's status with respect to the premises is factually disputed.

Defendant made payments toward occupancy of the premises, and Plaintiff acknowledged and confirmed receipt of those payments in email communications. For approximately eighteen (18) months, Plaintiff and its management engaged in direct and ongoing communications with Defendant concerning the premises. These circumstances demonstrate that the parties' characterization of Defendant's status is contested and intertwined with issues pending in the Related Action.

Equity is not intended to summarily resolve materially disputed factual issues in a parallel proceeding where overlapping claims remain pending before the same Court.

Sequencing the matters avoids inconsistent determinations and preserves orderly adjudication.

Nothing in this motion concedes tenancy, possessory rights, or contractual liability.

This motion is directed solely to procedural coordination.

V. REQUEST FOR RELIEF

Accordingly, Defendant respectfully requests that the Court:

1. Coordinate this action with the previously filed Related Action pursuant to Mass. R. Civ. P. 42(a);

OR

2. Defer entry of permanent equitable relief in this action pending clarification and orderly sequencing of the Related Action;

AND

3. Direct the clerk to confirm that the transferred docket reflects all pleadings and allowances entered in Superior Court, including the jury demand and the previously allowed indigency status.

This request is made to promote judicial efficiency and avoid fragmented or inconsistent adjudication.

Respectfully submitted,

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Date: March 3, 2026

/s/ Sandra Frommer
Sandra Frommer (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 3rd, 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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