

**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 SUPPLEMENTAL NOTICE REGARDING DISPUTED RECORD
AND IMPROPER RELIANCE ON AN “UNDISPUTED” CHARACTERIZATION**

INTRODUCTION

Defendant respectfully submits this supplemental notice to address the Court’s Order, which treated the record as “undisputed,” and to clarify the actual procedural and evidentiary posture of this case.

As reflected in Defendant’s sworn submissions and documentary exhibits, the record is materially disputed. The issues central to Plaintiff’s request—including Defendant’s status, Plaintiff’s knowledge and conduct, and the nature of occupancy—are the subject of conflicting evidence and ongoing proceedings.

This clarification is necessary to ensure that any ruling does not rest on a mischaracterization of the record.

THE RECORD IS MATERIALLY DISPUTED

The record before the Court includes:

- sworn affidavits submitted under the pains and penalties of perjury;
- written communications from Plaintiff's agents concerning occupancy and lease-related matters; and
- factual assertions directly contradicting Plaintiff's characterization of Defendant's status.

These materials establish the existence of material factual disputes, including but not limited to:

- the nature and basis of Defendant's occupancy;
- Plaintiff's knowledge of and conduct regarding that occupancy; and
- the circumstances under which access and use of the premises were permitted.

The record is therefore not "undisputed," but contested, incomplete, and dependent on issues requiring adjudication.

LEGAL EFFECT OF A DISPUTED RECORD

Where the record is materially disputed:

- the Court may not resolve factual conflicts at the preliminary injunction stage;
- credibility determinations are not appropriate; and
- Plaintiff cannot establish a likelihood of success on the merits as a matter of law.

Any determination that treats the record as "undisputed" would necessarily depend on the resolution of contested facts and the selective adoption of one version of events.

RELIANCE ON AN “UNDISPUTED” CHARACTERIZATION IS IMPROPER

The Court’s Order relied on an “undisputed” characterization of the record. That characterization is inconsistent with the materials before the Court.

The current record includes affirmative evidence contradicting Plaintiff’s assertions and demonstrating that the factual issues underlying Plaintiff’s request remain actively disputed.

Accordingly, continued reliance on an “undisputed” record would result in a determination based on an incomplete and contradicted evidentiary foundation.

CONCLUSION

Defendant respectfully requests that the Court:

- recognize that the record is materially disputed;
- evaluate Plaintiff’s request for injunctive relief under the correct legal standard applicable to a contested record; and
- decline to treat any issue of occupancy or status as resolved absent full adjudication.

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 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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