

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

NORFOLK, SS.

DOCKET No. 26H82CV00012

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**LENOX FARMS LIMITED PARTNERSHIP,**

Plaintiff,

v.

**SANDRA FROMMER,**

Defendant.

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**DEFENDANT'S EMERGENCY MOTION TO STAY ENFORCEMENT OF  
PRELIMINARY INJUNCTION PENDING APPEAL, WITH MEMORANDUM OF LAW**

Defendant Sandra Frommer respectfully moves, pursuant to Mass. R. Civ. P. 62(c), for an emergency stay of the Court's March 17, 2026 Order allowing a preliminary injunction, pending appeal.

**MEMORANDUM OF LAW**

**I. Procedural Posture**

On March 17, 2026, this Court allowed Plaintiff's motion for preliminary injunction and enjoined Defendant from entering, residing in, or remaining at the premises located at 550 Liberty Street, Apartment 905, Braintree, Massachusetts.

On this date, Defendant has filed a Notice of Appeal pursuant to G.L. c. 231, § 118, second paragraph, and Mass. R. A. P. 3 and 4.

This motion follows and is based on the Court's authority under Rule 62(c) to preserve the status quo pending appellate review.

## **II. Legal Standard**

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

In exercising that discretion, courts consider:

1. likelihood of success on appeal;
2. risk of irreparable harm;
3. harm to the opposing party; and
4. the public interest.

See *Packaging Indus. Group, Inc. v. Cheney*, 380 Mass. 609, 616–617 (1980).

## **III. A Stay Is Necessary to Prevent Irreparable Harm**

Immediate enforcement of the injunction will result in loss of housing and displacement of Defendant and her minor child.

Loss of one's home constitutes classic irreparable harm, as it cannot be meaningfully remedied after the fact.

Absent a stay, Defendant will be removed before appellate review can occur, effectively nullifying the right to appeal.

## **IV. The Appeal Raises Substantial Legal Questions**

The appeal presents substantial and non-frivolous issues, including:

- A. Whether equitable relief may be used to determine possession outside summary process:

Massachusetts law provides a comprehensive statutory framework governing recovery of possession of residential premises under G.L. c. 239. The injunction entered here effectively determines possession of the premises while a related summary process action involving the same premises and alleged conduct remains pending. Where the Legislature has established a specific and comprehensive remedial scheme, courts should not permit that framework to be circumvented through equitable relief.

See *New Bedford Housing Authority v. Olan*, 435 Mass. 364, 372–73 (2001); *Attorney General v. Dime Savings Bank*, 413 Mass. 284, 288–291 (1992).

B. Structural inconsistency between parallel proceedings, The Court has:

- denied Defendant participation in the summary process action, while
- issuing an injunction based on the same alleged conduct.

This creates a procedural inconsistency affecting core rights, which warrants appellate review before enforcement.

#### **V. The Balance of Equities Favors Preserving the Status Quo**

A stay will preserve the status quo and allow orderly appellate review.

By contrast, immediate enforcement will cause irreversible harm, while any harm to Plaintiff is primarily economic and temporary.

#### **VI. Without a Stay, Appellate Review Will Be Defeated**

Massachusetts courts recognize that a stay is appropriate where enforcement would effectively moot or frustrate meaningful appellate review. See *Boston Housing Authority v. Garcia*, 449 Mass. 727, 732 (2007); *Commonwealth v. Cronk*, 396 Mass. 194, 197 (1985). Here, enforcement would remove Defendant from the premises before the

Appeals Court can review the legality of the injunction, thereby destroying the subject matter of the appeal.

### **CONCLUSION**

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

1. Stay enforcement of the March 17, 2026 Order pending appeal; or
2. In the alternative, grant a temporary stay to permit Defendant to seek emergency relief from the Appeals Court.

Respectfully submitted,

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Date: March 20th, 2026

**/s/ Sandra Frommer**  
Sandra Frommer (Pro Se)

## CERTIFICATE OF SERVICE

I hereby certify that on March 20th, 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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