

**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 CONDITIONAL MOTION TO STAY
ENFORCEMENT OF ANY INJUNCTIVE ORDER
PURSUANT TO MASS. R. CIV. P. 62(c)
WITH MEMORANDUM OF LAW**

INTRODUCTION

Defendant Sandra Frommer respectfully moves that, in the event this Court grants any preliminary or permanent injunction affecting possession of the premises located at 550 Liberty Street, Unit 905, Braintree, Massachusetts, enforcement of such order be stayed pursuant to Mass. R. Civ. P. 62(c) for fourteen (14) days, or alternatively until a Single Justice of the Appeals Court rules on emergency relief under G.L. c. 231 §118.

Defendant intends to file a Notice of Appeal immediately upon entry of any injunctive order affecting possession.

Absent a stay, enforcement “forthwith” would occur before Defendant can file her notice of appeal or seek relief under G.L. c. 231 §118, thereby rendering appellate review illusory and risking mootness of substantial jurisdictional and equitable issues.

This motion is supported by the accompanying Affidavit of Defendant.

Defendant expressly preserves all jurisdictional objections and defenses.

MEMORANDUM OF LAW

I. Authority to Stay Under Rule 62(c)

Mass. R. Civ. P. 62(c) provides that when an appeal is taken from an order granting an injunction, the trial court retains authority to suspend, modify, restore, or grant relief during the pendency of the appeal.

An injunction affecting possession is immediately appealable under G.L. c. 231 §118.

The purpose of Rule 62(c) is to preserve the status quo and ensure that appellate review remains meaningful rather than symbolic.

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

II. Standard for Stay Pending Appeal

Under *Packaging Industries*, courts evaluate:

1. Likelihood of success on appeal (or presence of serious legal questions)
2. Irreparable harm absent a stay
3. Balance of harms
4. Public interest

Each factor weighs strongly in favor of a stay.

III. Likelihood of Success / Serious Legal Questions

At minimum, this case presents serious and non-frivolous appellate issues:

A. Personal Jurisdiction and Service

Defendant has moved to dismiss under Mass. R. Civ. P. 12(b)(5) for lack of proper service and absence of summons.

Proper service under Rules 3 and 4 is a prerequisite to personal jurisdiction.

An injunction entered without jurisdiction is void.

This alone presents a substantial likelihood of success or, at minimum, a serious legal question warranting preservation of the status quo.

B. Availability of Equitable Possession Relief

Plaintiff seeks possession through equitable injunctive relief in a civil action.

Massachusetts law disfavors equitable remedies where adequate legal remedies exist.

Whether equity may be used to effect dispossession under these circumstances presents a significant appellate issue.

C. Rule 65 Compliance

Rule 65(c) requires security prior to issuance of injunctive relief.

Rule 65(d) requires specificity of terms.

Failure to comply strictly with Rule 65 safeguards constitutes reversible error.

These structural issues further support likelihood of success or serious appellate questions.

IV. Irreparable Harm

Loss of one's primary residence constitutes irreparable harm.

If enforcement proceeds forthwith:

- Defendant will be displaced immediately.
- Restoration of possession after appellate reversal may be impracticable.
- Appellate review may become functionally moot.

Packaging instructs courts to preserve a state of affairs such that final relief remains meaningful. Once possession is lost, that condition cannot easily be restored.

Monetary damages cannot compensate for wrongful dispossession from one's home.

V. Balance of Harms

Under *Packaging Indus. Group, Inc. v. Cheney*, 380 Mass. 609 (1980):

- **Likelihood of Success:** Substantial jurisdictional and structural issues exist.
- **Irreparable Harm:** Immediate loss of housing.
- **Balance of Harms:** Plaintiff faces only temporary delay and monetary interests compensable by use and occupancy; Defendant faces irreversible displacement.
- **Public Interest:** Meaningful appellate review and orderly judicial process.

The balance decisively favors preservation of the status quo.

VI. Risk of Mootness

Absent a stay, eviction prior to appellate review would:

- Prejudice Defendant's statutory right to review under G.L. c. 231 §118;
- Potentially moot jurisdictional challenges;
- Prevent effective appellate relief.

Rule 62(c) exists precisely to prevent appellate review from being rendered meaningless.

VII. Bond Under Rule 65(c)

If the Court determines security is required:

- Defendant is indigent (see Affidavit).

- Plaintiff's asserted harm is monetary.
- The requested stay is brief and limited.

Accordingly, any bond should be nominal.

CONCLUSION

For the foregoing reasons, Defendant respectfully requests that:

1. If any injunctive relief affecting possession enters, enforcement be stayed pursuant to Mass. R. Civ. P. 62(c);
2. The stay remain in effect for fourteen (14) days or until a Single Justice rules on emergency appellate relief under G.L. c. 231 §118, whichever occurs first;
3. Any bond required under Rule 65(c) be set at a nominal amount; and
4. Such further relief be granted as justice requires.

Respectfully submitted,

Sandra Frommer
550 Liberty street unit 905
Braintree, MA, 02184
(617) 806-6566
sandrafrommer@gmail.com
Date: March 2, 2026

/s/ Sandra Frommer
Sandra Frommer (Pro Se)

AFFIDAVIT OF SANDRA FROMMER

1. I, Sandra Frommer, declare under penalties of perjury
2. The premises are my primary residence.
3. I am indigent and currently seeking legal representation.
4. Immediate enforcement of any injunctive order would result in my displacement before I can file a notice of appeal and seek appellate review.
5. Loss of possession would cause severe and irreparable harm.
6. I intend to file a Notice of Appeal immediately if injunctive relief affecting possession is entered.

Signed under the pains and penalties of perjury this 02 day of March, 2026.

/s/ Sandra Frommer
Sandra Frommer (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on March 2nd, 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,

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/s/ Sandra Frommer
Sandra Frommer (Pro Se)