

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

NORFOLK, ss.

Civil Action No.: 26H82CV00041

SANDRA FROMMER,
Plaintiff, Pro Se

v.

UDR, INC.;
LENOX FARMS LIMITED PARTNERSHIP;
UDR NYL DEALS GP LLC; and
ERIKA MERRITT,
Defendants.

**PLAINTIFF'S EMERGENCY MOTION (A) TO RECOGNIZE THE PROCEDURAL
POSTURE OF THE TRANSFERRED ACTION, (B) TO RULE ON PLAINTIFF'S
FEBRUARY 13, 2026 MOTION TO RETRANSFER AND STAY, AND (C) TO
PRESERVE THE STATUS QUO, WITH REQUEST FOR IMMEDIATE PRESENTMENT**

INTRODUCTION

This case appears in this Court as Docket No. 26H82CV00041 with a file date of February 12, 2026. It is, however, the transferred continuation of Suffolk Superior Court Docket No. 2584CV03086, originally filed on November 6, 2025.

Before transfer, the action was served, answered, and actively litigated, and was the subject of Appeals Court proceedings under G.L. c. 231, § 118 concerning the transfer. The current Housing Court docket does not reflect that posture on its face. At the same time, a related Housing Court action, 26H82CV00012, has advanced to entry of a preliminary injunction affecting possession of the same premises.

Immediate clarification of posture and a prompt ruling on Plaintiff's pending motion to retransfer and stay are required to ensure orderly adjudication and to prevent prejudice arising from out-of-sequence proceedings.

RELIEF REQUESTED

Plaintiff respectfully requests that the Court:

1. **Recognize and state on the record** that this action is the transferred continuation of Suffolk Superior Court Docket No. 2584CV03086 (filed November 6, 2025);
2. **Acknowledge the operative procedural posture** at the time of transfer, including service, answer, and prior filings;
3. **Forthwith rule** on Plaintiff's February 13, 2026 Motion to Retransfer and Stay;
4. **Preserve the status quo** pending that ruling (including no exclusionary enforcement affecting possession); and
5. Grant such further relief as justice requires.

MEMORANDUM OF LAW

I. THE ACTION WAS SERVED, ANSWERED, AND JOINED PRIOR TO TRANSFER

The Superior Court docket (2584CV03086) reflects that, prior to transfer:

- The action was filed on November 6, 2025;
- Plaintiff's Affidavit of Indigency was allowed;
- Service of process was completed and returned in hand (December 1, 2025);
- Defendants filed an Answer (December 5, 2025);
- Plaintiff filed a Notice of Procedural Status, Request for Clarification, and Reservation of Rights (December 8, 2025); and
- The matter was the subject of Appeals Court proceedings under G.L. c. 231, § 118 concerning the transfer.

These events establish that the case was joined and actively litigated before transfer.

II. THE HOUSING COURT DOCKET DOES NOT REFLECT THAT POSTURE ON ITS FACE

The Housing Court docket (**26H82CV00041**) reflects:

- File date: **February 12, 2026**;
- Initiating action: “**Civil Case Transfer**”;
- Entries such as “**Civil Complaint filed**” and “**Entire Case Scanned.**”

It does not reflect, on its face:

- The **original November 6, 2025 commencement date**;
- The **allowed indigency status**;
- The **completed service of process**;
- The **filed Answer**;
- Plaintiff’s **prior procedural filings**; or
- The **Appeals Court activity** associated with the transfer.

As presented, the action appears newly initiated rather than the continuation of a **served and joined case**.

III. THIS IS A SUBSTANTIVE PROCEDURAL ISSUE AFFECTING ADJUDICATION

The issue is not the existence of documents, but the recognition of operative procedural posture. That posture bears directly on:

- Sequencing of related proceedings;
- The Court’s consideration of pending motions, including Plaintiff’s motion to retransfer; and

- Avoidance of conflicting or duplicative adjudications.

A transferred action remains the same case and must be treated in accordance with its **actual posture**, not merely its administrative presentation.

IV. THE UNDERLYING ACTION IS A SUPERIOR COURT TORT AND STATUTORY CASE, NOT A LIMITED POSSESSION DISPUTE

The original complaint (2584CV03086) asserts multiple tort and statutory claims, including:

- Illegal self-help eviction and interference with quiet enjoyment (G.L. c. 186, § 14);
- Retaliation (G.L. c. 186, § 18);
- Negligence and negligent misrepresentation; and
- Unfair and deceptive acts under **G.L. c. 93A**;

and seeks **declaratory, injunctive, and monetary relief exceeding \$50,000**.

The case was filed in Superior Court because of its scope, complexity, and remedies. Presenting the transferred matter without reflecting that scope—while a separate Housing Court proceeding advances on possession—creates a risk that rights arising from a broader civil action are effectively determined without adjudication of those claims.

V. RELATED INJUNCTION PROCEEDING CREATES PREJUDICIAL SEQUENCING

A related action, 26H82CV00012, has progressed to entry of a preliminary injunction affecting possession of the same premises.

The sequencing is material:

- The earlier-filed action (Nov. 6, 2025)—already served and answered—remains pending without a ruling on retransfer;
- A later-filed proceeding has advanced to exclusionary relief.

This creates a risk of premature and inconsistent adjudication, where possession is determined in a later action before the Court addresses the posture and forum of the earlier-filed case.

VI. A PROMPT RULING IS REQUIRED AND PRESERVES APPELLATE REVIEW

Plaintiff's February 13, 2026 Motion to Retransfer and Stay remains pending. The Appeals Court has indicated that review of the transfer issue depends upon a Housing Court ruling.

Absent a ruling:

- The transfer issue remains unresolved;
- The parties lack clarity as to forum and posture; and
- Related proceedings may effectively determine rights before the Court addresses the pending motion.

Failure to rule in these circumstances has practical dispositive effect without adjudication of the pending motion. A prompt ruling preserves orderly adjudication and meaningful appellate review.

VII. PRESERVATION OF THE STATUS QUO IS WARRANTED

Without interim relief, Plaintiff faces **irreparable harm**, including loss of housing, before the Court determines the proper posture and forum.

Maintaining the status quo pending a ruling:

- Preserves the Court's ability to adjudicate the issues meaningfully;

- Prevents prejudice from out-of-sequence enforcement; and
- Aligns with the principle that procedural posture should be resolved before dispositive consequences follow.

CONCLUSION

This matter is not a newly filed Housing Court case. It is the transferred continuation of a **served, answered, and actively litigated Superior Court action** asserting substantial tort and statutory claims.

Plaintiff respectfully requests that the Court:

- Recognize the operative procedural posture;
- **Forthwith rule** on the pending motion to retransfer and stay; and
- **Preserve the status quo** pending that determination.

NOTICE OF PRESENTMENT

Plaintiff hereby gives notice that the foregoing Emergency Motion will be presented to the Court for **immediate consideration on the next available session**.

Plaintiff respectfully requests prompt action in light of the related proceeding, **26H82CV00012**, which has advanced to exclusionary relief affecting possession of the same premises.

Respectfully submitted,

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March 23, 2026

/s/ Sandra Frommer
Sandra's Frommer

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 Defendants*)
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Respectfully submitted,

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