

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

SANDRA FROMMER,
Plaintiff

v.

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

**CIVIL ACTION
NO.
26H82CV00041**

**PLAINTIFF'S MOTION TO STAY FURTHER PROCEEDINGS PENDING DECISION ON
RECONSIDERATION AND PAPER 5, WITH INCORPORATED MEMORANDUM OF LAW
INCLUDING SEPTEMBER 10 PRETRIAL CONFERENCE - NO ORAL ARGUMENT
REQUESTED**

Plaintiff Sandra Frommer, proceeding pro se and expressly preserving every objection to the purported transfer from Suffolk Superior Court, the receiving court's subject-matter jurisdiction, and the completeness, accuracy, attribution, and procedural effect of the record maintained under this case number, moves to stay further proceedings until the Court disposes of her First Motion for Reconsideration and expressly determines Paper 5, which seeks retransfer to Suffolk Superior Court. This motion requests only threshold sequencing. It neither seeks adjudication of the underlying claims nor states that Plaintiff abandons or declines to pursue them in the proper tribunal.

Plaintiff files her First Motion for Reconsideration immediately before this motion. It asks the Court to vacate the June 25 nonappearance-based dispositions, clarify Paper 5's status, and submit Papers 5, 7, and 11 for written decision. This motion asks the receiving court to pause case-management and merits events while retransfer remains unresolved.

Plaintiff neither asks this Court to proceed with the merits nor represents that the underlying action will not be pursued. She asks only that the threshold sequence be honored: reconsideration first; Paper

5 next; and no further pretrial or merits administration until those matters are expressly decided. The stay preserves the status quo and seeks no ruling on the underlying claims.

**EXPRESS RESERVATION; NO ACCEPTANCE OF PURPORTED TRANSFER OR
PRESENT DOCKET**

Plaintiff uses the present caption, Housing Court case number, paper numbers, and September 10 event date only because those are the administrative identifiers presently assigned by the receiving court and are necessary to request protective relief from that court. Their use does not constitute and shall not be construed as:

- a. consent to or acceptance of the purported transfer from Suffolk Superior Court;
- b. acceptance of the Housing Court as the proper tribunal for this action or for every claim included within it;
- c. acceptance of the completeness, accuracy, attribution, or procedural integrity of the present Housing Court docket or transferred record;
- d. a concession that all papers and proceedings belonging to Suffolk Superior Court Civil Action No. 2584CV03086 were properly transmitted or reproduced;
- e. an invocation of the Housing Court's authority to adjudicate the merits before the transfer and jurisdictional objections are decided; or
- f. waiver of Paper 5 or of any transfer, subject-matter-jurisdiction, record-integrity, procedural, jury-trial, or appellate objection.

This motion is filed without prejudice to every position concerning forum, jurisdiction, the transferred record, and the underlying claims. It seeks threshold rulings before ordinary pretrial administration resumes. Nothing in it is an election to proceed on the merits in Housing Court or a

statement that Plaintiff abandons the action or any claim.

RELIEF REQUESTED

1. stay all further proceedings presently scheduled or maintained under the case number assigned by the receiving court, including the September 10, 2026 pretrial conference, all pretrial memoranda and submissions, witness and exhibit deadlines, scheduling obligations, and other merits-related proceedings, pending disposition of Plaintiff's First Motion for Reconsideration;
2. if reconsideration is allowed, or if Paper 5 remains pending, continue the stay until Paper 5 receives a separate, express written disposition;
3. determine Paper 5 before conducting any further pretrial conference or merits proceeding, because Paper 5 challenges the statutory basis for the transfer, the receiving court's authority to proceed, and the integrity of the transferred record;
4. decide this stay motion on the written submissions without oral argument and, if additional input is considered necessary, establish a short written opposition-and-reply schedule;
5. recognize Plaintiff's advance notice that she is medically unable to appear or participate meaningfully in the September 10, 2026 conference, as documented by the medical certificate and Certified English Translation submitted under impoundment, and order that no default, dismissal, waiver, adverse inference, or failure-to-prosecute consequence arise from that documented inability while this motion is pending;
6. enter a written ruling sufficiently before September 10, 2026 so that the status of the conference and associated obligations is unambiguous; and
7. only if the Court denies the requested stay, alternatively remove the September 10 conference and associated deadlines from the calendar and reset them after September 30, 2026, expressly

without prejudice to Paper 5 and without treating that alternative protective request as acceptance of the purported transfer, the present docket, or Housing Court jurisdiction.

MEMORANDUM OF LAW

I. PROCEDURAL POSTURE AND NARROW PURPOSE OF THE REQUEST

Plaintiff commenced this action in Suffolk Superior Court as Civil Action No. 2584CV03086. The action was thereafter entered in the Metro South Housing Court under Civil Action No. 26H82CV00041. Plaintiff did not request or consent to that transfer and promptly filed Paper 5 seeking retransfer to Suffolk Superior Court and a stay. Papers 7 and 11 further preserved objections concerning the receiving court's authority, the procedural posture of the originating action, and the completeness and accuracy of the record presently reflected here.

After Plaintiff's medically compelled nonappearance on June 25, 2026, Papers 7 and 11 were denied for nonappearance or failure to prosecute, and Paper 5's status was left ambiguous. Plaintiff files her First Motion for Reconsideration immediately before this motion, asking that the nonappearance-based dispositions be vacated and that Paper 5 be expressly decided on the written submissions. This motion seeks no determination of the tort or statutory merits and does not disclaim prosecution of the underlying claims in the proper tribunal. It seeks only to prevent further pretrial administration from overtaking the unresolved threshold dispute.

II. THE TRANSFER QUESTION IS ANTECEDENT TO ORDINARY PRETRIAL ADMINISTRATION

General Laws c. 185C, section 20 authorizes transfer to the Housing Court of a civil action that is within the Housing Court's jurisdiction. The jurisdictional scope is defined by G. L. c. 185C, section 3. Paper 5 disputes whether the transferred claims satisfy that statutory condition and whether the record

transmitted from Superior Court is sufficiently complete and procedurally reliable for the receiving court to proceed.

The Court need not prejudge Paper 5 to recognize its threshold character. A pretrial conference presupposes an operative forum, an identifiable record, and a defined set of claims moving toward trial. Those are the very matters Paper 5 and the related papers place in dispute. Deciding the reconsideration request and Paper 5 before further pretrial administration promotes orderly procedure and avoids treating the disputed transfer as resolved merely because the receiving docket has continued to advance.

III. A TEMPORARY STAY PRESERVES THE STATUS QUO AND PREVENTS DUPLICATIVE OR INCONSISTENT PROCEEDINGS

The requested stay is finite and tied to specific threshold rulings. It grants no retransfer, dismisses no claim, and does not restrict Defendants from opposing Paper 5. Proceeding before that decision risks unnecessary expense, inconsistent case management, and movement toward trial without an express disposition of the principal retransfer motion.

Mass. R. Civ. P. 16 leaves pretrial conferencing to the Court's case-management discretion, and Housing Court Standing Order 1-04 provides for court scheduling of case-management and pretrial events. The receiving court therefore has procedural authority to remove the September 10 event and related deadlines from the active calendar while it resolves the threshold papers.

IV. PLAINTIFF'S DOCUMENTED MEDICAL UNAVAILABILITY INDEPENDENTLY REQUIRES REMOVAL OF THE SEPTEMBER 10 EVENT

Independently of the transfer dispute, Plaintiff gives advance notice that she is medically unable to appear or participate meaningfully in the September 10, 2026 pretrial conference. The medical

certificate and Certified English Translation submitted under impoundment document that unavailability through the end of September 2026. No private medical details are disclosed in this public filing.

This notice is neither a refusal to participate, tactical delay, abandonment, nor acquiescence in Housing Court proceedings, and it expresses no decision about where the claims will proceed after the threshold rulings. Massachusetts law treats legitimate medical incapacity, lack of prejudice, and less drastic alternatives as central considerations. See *Monahan v. Washburn*, 400 Mass. 126, 128-129 (1987). The least disruptive course is to stay the September event and decide the threshold motions on the written record.

V. THE REQUEST CAUSES NO UNFAIR PREJUDICE

A temporary stay deprives Defendants of no claim, defense, evidence, or substantive right, and they may oppose both motions in writing. Proceeding before the transfer challenge is resolved creates unnecessary work and risks another nonappearance-based disposition. The balance favors a short, issue-specific stay.

VI. WRITTEN DETERMINATION IS AVAILABLE AND AVOIDS ANY ATTENDANCE PROBLEM

Mass. R. Civ. P. 78 authorizes paper determination in the Court's discretion. Plaintiff requests decision of this motion and the threshold motions without oral argument. If supplementation is needed, a short written opposition-and-reply schedule protects Defendants' opportunity to respond without an oral event during Plaintiff's documented medical unavailability.

VII. THIS PROTECTIVE MOTION DOES NOT ACCEPT THE TRANSFER OR PRESENT DOCKET

Asking the receiving court to pause case-management while the forum dispute is decided does not, by itself, concede that forum. Mass. R. Civ. P. 11(b)(3) states that an appearance does not itself constitute a general appearance, and Rule 12(h)(3) requires attention to subject-matter jurisdiction whenever its absence appears. This motion is neutral as to the merits and asks only that further proceedings not overtake the objections asserted in Paper 5.

Neither the stay request nor its conditional fallback accepts the transfer, adopts the receiving docket, elects merits litigation in Housing Court, or states that Plaintiff will not pursue the action. The fallback exists only to prevent an adverse nonappearance consequence if the stay is denied.

CONCLUSION

Plaintiff requests a stay, including removal of the September 10 conference and associated deadlines, until reconsideration and Paper 5 are expressly decided. She requests paper determination and no adverse consequence from her documented unavailability. The motion neither asks this Court to proceed with the merits nor states that Plaintiff will not pursue the action. Only if the stay is denied, she seeks protective rescheduling after September 30, without prejudice to Paper 5 and without acceptance of the transfer or present docket.

Respectfully submitted,

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Dated: July 14, 2026

/s/ Sandra Frommer
Sandra Frommer

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 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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