

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

NORFOLK, SS.

DOCKET No.: 26H82CV00143

LENOX FARMS LIMITED PARTNERSHIP,

Plaintiff,

v.

MOHAMED KASSEM, DANNY ABOUELKHIER,

Defendants.

**DEFENDANT DANY ABOUELKHIER'S LIMITED MOTION FOR CLARIFICATION
OF OPERATIVE PLEADINGS, SCOPE OF TRANSFER, AND SEQUENCING ORDER
PRESERVING RIGHTS**

Defendant Dany Abouelkhier, pro se, appearing only for the limited purpose of requesting written clarification of this transferred civil docket and preservation of procedural rights, respectfully moves this Court for an order identifying the operative pleadings, the scope of transfer, the claims and counterclaims pending, any responsive pleading obligations, and the sequence required before any default, discovery sanction, dispositive motion, monetary assessment, use-and-occupancy judgment, or other adverse consequence may proceed.

This is not an answer. This is not a merits response. This is not a request for a case-management conference. This is not a concession that Plaintiff has pleaded or preserved any use-and-occupancy claim in this docket. This is not a general appearance.

By filing this limited motion, Defendant does not answer any complaint, does not generally appear, does not concede the validity or scope of the transfer, does not concede liability for use and occupancy, does not concede that any new or expanded claim is properly before the Court, does not waive any right to seek leave to amend or supplement his pleadings, and does not waive any objection to pleading structure, service, process, personal jurisdiction, claim scope, finality, appealability, or the procedural consequences of the transfer.

As grounds, Defendant states as follows:

This docket, 26H82CV00143, was opened on or about May 5, 2026 as a civil case transfer linked to summary-process docket 24H82SP03575.

The docket reflects a transfer entry and docketed materials including the original summary-process summons and complaint and Defendant Dany Abouelkhier's counterclaim.

The docket does not identify a new civil complaint, amended complaint, civil statement of claim, accounting, ledger, transferred-claim statement, responsive pleading deadline, amendment deadline, discovery schedule, final pretrial order, or trial posture.

The summary-process summons and complaint docketed in this transferred civil case appear to be the prior summary-process papers from the originating eviction action, not a newly commenced civil complaint.

Defendant cannot determine from the present docket whether Plaintiff contends that this transferred case contains a use-and-occupancy claim, a rent claim, only transferred counterclaims, Plaintiff claims and Defendant counterclaims, crossclaims, or some other transferred structure.

Defendant also cannot determine the amount claimed, the time period claimed, the accounting basis, the pleading on which Plaintiff relies, whether possession is excluded from this transferred civil docket, whether any responsive pleading is required from Defendant, or whether Defendant must seek leave to amend or supplement his counterclaims.

Defendant does not seek a merits ruling by this motion. Defendant seeks only written threshold clarification so that no party may use this unclear transferred docket to create waiver, default, dismissal for failure to prosecute, discovery sanctions, summary judgment, monetary judgment, use-and-occupancy assessment, execution, or any other adverse consequence before the operative pleadings and transferred claims are identified.

Defendant cannot fairly answer, amend, supplement, pursue discovery, respond to discovery, oppose summary judgment, or prosecute transferred claims until the Court identifies what the case is, what pleadings control, what claims remain, what deadlines apply, and what procedural obligations exist.

Defendant therefore requests that the Court first define the transferred civil docket before allowing any dispositive motion, discovery-enforcement motion, default request, monetary assessment, or failure-to-prosecute request to proceed.

REQUESTED WRITTEN CLARIFICATION

Defendant respectfully requests that the Court enter a written order identifying:

1. What exact claims were transferred from 24H82SP03575 into 26H82CV00143;
2. Whether the operative pleading for Plaintiff is the original summary-process summons and complaint, a civil complaint, an amended complaint, a statement of transferred claims, or some other pleading;

3. Whether Plaintiff contends that a use-and-occupancy claim is pending in this transferred civil docket;
4. If Plaintiff contends that a use-and-occupancy claim is pending, the pleading, amount, time period, ledger, accounting, and legal basis on which Plaintiff relies;
5. Whether Plaintiff contends that any claim other than use and occupancy is pending in this docket;
6. Whether possession is excluded from this transferred civil docket;
7. Whether Defendant's counterclaim was transferred in full;
8. Whether Defendant's crossclaims, if any, were transferred;
9. Whether Defendant must file any responsive pleading, and if so, the pleading to which Defendant must respond and the deadline for that response;
10. Whether Defendant may seek leave to amend or supplement his counterclaims, defenses, and any crossclaims after the transfer scope and operative pleadings are identified;
11. Whether Plaintiff must file a civil statement of claim, amended complaint, accounting, or other operative pleading before seeking monetary relief;
12. Whether any new or expanded claim requires additional pleading, process, service, or responsive deadlines;
13. Whether all discovery must be stayed and sequenced until the operative pleadings and claims are lawfully identified;
14. Whether dispositive motions should be deemed premature until the operative pleadings, transferred claims, and responsive obligations are clarified; and

15. What written threshold order will govern the case before any party seeks default, discovery sanctions, summary judgment, monetary assessment, use-and-occupancy judgment, or dismissal for failure to prosecute.

REQUESTED SEQUENCING ORDER PRESERVING RIGHTS

Defendant further requests that, until the Court enters the above written clarification order:

- No default shall enter against Defendant for failure to answer an unidentified operative pleading;
- No dismissal for failure to prosecute shall enter against Defendant's transferred counterclaim or any transferred claim before the Court identifies what claims transferred and what prosecution obligation applies;
- No discovery sanction shall enter before the Court identifies the operative claims, defenses, counterclaims, crossclaims, and discovery obligations;
- No summary-judgment motion shall proceed before the Court identifies the operative pleading, claim amount, accounting basis, and responsive obligations;
- No use-and-occupancy assessment, monetary judgment, execution, or enforcement consequence shall enter before Plaintiff identifies the pleading, amount, time period, ledger, accounting, and legal basis for any such claim;
- Defendant shall not be deemed to have waived any answer, defense, amendment right, counterclaim right, discovery right, jury right, objection, or appellate right by seeking written clarification before filing a merits response;

- Defendant preserves the right to seek leave to amend or supplement his counterclaims, defenses, and any crossclaims after the Court identifies the scope of transfer and operative pleadings;
- Defendant preserves the right to oppose any later use-and-occupancy claim, accounting, discovery request, summary-judgment motion, or dispositive motion after the operative civil claim is identified; and
- Defendant preserves all objections to pleading structure, service, process, personal jurisdiction, claim scope, finality, appealability, and the procedural consequences of the transfer.

CONCLUSION

This transferred civil docket presently does not identify the operative civil pleading, the transferred claims, the scope of Plaintiff's claim, the amount or accounting basis of any alleged use-and-occupancy claim, the status of Defendant's counterclaim or crossclaims, the responsive pleading deadline, the amendment deadline, the discovery obligations, or the procedural posture of the case.

Defendant does not ask the Court to decide the merits of any claim by this motion. Defendant asks only that the Court define the transferred docket in writing before any party may use it to seek default, dismissal for failure to prosecute, discovery sanctions, summary judgment, monetary judgment, use-and-occupancy assessment, execution, or any other adverse consequence.

WHEREFORE, Defendant respectfully requests that this Court allow this limited motion, enter the requested written clarification and sequencing order, preserve Defendant's rights pending clarification, and grant such other relief as is just and proper.

Respectfully submitted,

Dany Abouelkhier

Defendant, Pro Se

550 Liberty Street, Unit 905

Braintree, MA 02184

Email: danytaw@yahoo.com

Dated: June 22, 2026

/s/ Dany Abouelkhier

Dany Abouelkhier (Pro Se)

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 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

Grant B. Hecht, Esq. (*counsel for Mohamed Kassem*)
gbh@granthechtlaw.com

Respectfully submitted,

Dany Abouelkhier
550 Liberty street unit 905
Braintree, MA, 02184
(617) 909-7799
danytaw@yahoo.com

/s/ Dany Abouelkhier
Dany Abouelkhier (Pro Se)