

Table of Contents

Volume 10

PART I. INTRODUCTION

CHAPTER 1. PURPOSE, SCOPE, AND APPLICABILITY OF THE RULES

- § 1:3 Applicability of rules—Generally
- § 1:4 Construction of rules
- § 1:11 Single form of action—Merger of law and equity
- § 1:14 Official forms

PART II. COMMENCEMENT OF ACTIONS

CHAPTER 2. COMMENCEMENT OF ACTIONS

- § 2:1 Commencement of actions—In general
- § 2:3 Filing fees
- § 2:4 Request for waiver and affidavit of indigency—Form
- § 2:7 Statewide implementation of the civil one-trial system
- § 2:8 Statement of damages form in District Court and Boston
Municipal Court
- § 2:8.10 *[Deleted]*
- § 2:9 Civil action cover sheet—Superior Court—Statement of
damages
- § 2:10 Business litigation cover sheet—Superior Court
- § 2:11 Answer—Improper procedural amount—Superior Court
- § 2:12 Answer—Improper procedural amount—District court and
Boston Municipal Court
- § 2:13 Motion to dismiss—Improper procedural amount—Superior
Court
- § 2:14 Motion to dismiss—Improper procedural amount—District court
and Boston Municipal Court
- § 2:15 Transmittal of appeal from judgment of dismissal for want of
procedural amount in District Court and Boston Municipal
Court
- § 2:22 Affidavit for use of substitute address
- § 2:23 Obtaining the docket number *[New]*
- § 2:24 Restrictions on personal identifying information in Mas-
sachusetts court documents *[New]*

- § 2:25 Sample form for filing with the court omitting all but the last four digits of personal identifying data *[New]*
- § 2:26 Sample form for filing with the court omitting all but the last four digits of personal identifying data—Another form *[New]*
- § 2:27 District court and boston municipal court joint standing order No. 2-15 *[New]*
- § 2:28 Verification of Defendant's Address Form—District Court *[New]*
- § 2:29 Verification of Defendant's Address Form—Boston Municipal Court *[New]*
- § 2:30 Affidavit regarding debt—Mass. R. Civ. P. 8.1(c) *[New]*
- § 2:31 Affidavit providing documentation of debt—Mass. R. Civ. P. 8.1(d) *[New]*
- § 2:32 Affidavit of verification of the defendant's residential address—Mass. R. Civ. P. 8.1(e) *[New]*
- § 2:33 Certification regarding statute of limitations—Mass. R. Civ. P. 8.1(f) *[New]*

CHAPTER 3. PROCESS

- § 3:1 Process and service—In general
- § 3:5 Form of summons—Superior Court *[Retitled]*
- § 3:6 Form of summons—District Court *[Retitled]*
- § 3:6.30 Form of summons—Boston Municipal Court *[New]*
- § 3:7 Summons in probate and family court
- § 3:8 Domestic relations summons
- § 3:8.50 Digital summons in Housing Court *[New]*
- § 3:9 Civil contempt summons
- § 3:10 Contempt summons—Probate and family court
- § 3:11 Summons against third-party defendant
- § 3:12 Summons to third-party defendant in District Court
- § 3:13 Summons to trustee
- § 3:14 Summons to trustee in District Court
- § 3:15 Summons to trustee in probate court
- § 3:17 Personal service within Commonwealth—Mass. R. Civ. P. 4(d)
- § 3:18 Personal service outside state—Mass. R. Civ. P. 4(e)
- § 3:19 Insufficient or defective service
- § 3:22 Guardians
- § 3:27 Motion to appoint person to serve process
- § 3:29 Motion to appoint constable to serve process
- § 3:31 Motion for order for service by publication
- § 3:32 Order for service by publication—Probate and family court
- § 3:33 Summons by publication—Probate and family court
- § 3:34 Application or motion for order of notice—General form
- § 3:40 Return of service
- § 3:42 Affidavit of service
- § 3:43 Affidavit of service—Another form
- § 3:44 Affidavit of service—Another form
- § 3:45 Affidavit of service on agent of individual
- § 3:46 Affidavit of service upon individual by person specially appointed
- § 3:47 Affidavit of service upon a corporation, partnership, or unincorporated association

TABLE OF CONTENTS

CHAPTER 4. ATTACHMENTS

- § 4:1 Attachment—In general
- § 4:2 Writ of attachment
- § 4:3 Writ of attachment—District Court
- § 4:4 Motion to attach personal property
- § 4:5 Motion for attachment of real estate and affidavit
- § 4:6 Motion for approval of real estate attachment and affidavit
- § 4:10 Finding and order of approval of attachment—District Court
- § 4:13 Findings and ex parte order for approval of attachment—
District Court

CHAPTER 5. TRUSTEE PROCESS

- § 5:1 Trustee process—In general
- § 5:2 Summons to trustee
- § 5:3 Summons to trustee—District court
- § 5:4 Summons to trustee—Motion for trustee attachment of bank
account
- § 5:5 Motion for ex parte approval of attachment by trustee process
and affidavit
- § 5:7 Finding and order for approval of attachment on trustee
process—District Court
- § 5:9 Findings and ex parte order for approval of attachment on
trustee process—District Court
- § 5:10 Answer of trustee—Funds
- § 5:11 Answer of trustee—Funds—Another form
- § 5:12 Answer of trustee—No funds
- § 5:13 Answer of trustee—No funds—Another form
- § 5:14 Answer of trustee—No funds—Another form

CHAPTER 7. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

- § 7:1 Service and filing—In general
- § 7:1.30 Electronic filing in Massachusetts *[New]*
- § 7:1.50 Certificate of service for electronic filing in Massachusetts
[New]
- § 7:1.60 Alternate form for service and filing under the Massachusetts
Rules of Electronic Filing *[New]*
- § 7:1.70 Massachusetts electronic filing rules—S.J.C. Rule 1:25 *[New]*
- § 7:1.90 *[Deleted]*
- § 7:1.95 *[Deleted]*
- § 7:2 Certification of service under Superior Court Rule 9B
- § 7:3 Proof of service certification—Delivery to attorney
- § 7:4 Proof of service of pleading—Mail to attorney
- § 7:4.50 Proof of service of pleading—E-mail to attorney *[New]*
- § 7:5 Proof of service certification—Mail to attorney
- § 7:6 Proof of service certification—Delivery to party
- § 7:7 Proof of service certification—Mail to party

CHAPTER 8. EXTENSION OR ENLARGEMENT OF TIME

- § 8:2 Time computation

§ 8:3 Motion to enlarge time

PART III. TRANSFER OF ACTIONS

CHAPTER 9. REMOVAL FROM STATE COURT TO FEDERAL COURT

- § 9:2 Removal generally
- § 9:3 Procedure for removal
- § 9:4 Contents of notice of removal in general
- § 9:5 Remand to state court
- § 9:6 Notice of removal—Diversity of citizenship
- § 9:11 Notice of removal—Federal question
- § 9:14.50 Notice of removal—Action brought in a State domestic court to enforce a foreign judgment for defamation—28 U.S.C.A. § 4103 *[New]*
- § 9:15 Motion to remand—General form

CHAPTER 10. STATE COURTS—TRANSFER OF VENUE

- § 10:1 Transfer of venue—Generally
- § 10:13 Motion to decline jurisdiction—Forum non conveniens

PART IV. PLEADINGS AND MOTIONS

CHAPTER 11. PLEADINGS AND MOTIONS—GENERALLY

A. PLEADINGS

- § 11:2 Statement of damages
- § 11:3 Claims for relief—Requirements
- § 11:4 Pleading special matters
- § 11:9 Caption—Names of parties
- § 11:13 Mass. R. Civ. P. 11
- § 11:16 Appearances
- § 11:16.20 Limited Assistance Representation *[New]*
- § 11:16.30 Limited assistance representation—Attorney statement of qualification—Boston Municipal Court
- § 11:16.40 Notice of Limited Appearance-Boston Municipal Court *[New]*
- § 11:16.50 Notice of Withdrawal of Limited Appearance-Boston Municipal Court *[New]*
- § 11:16.60 Limited assistance representation forms—District Court *[New]*
- § 11:16.70 Notice of Limited Appearance—Superior Court *[New]*
- § 11:16.80 Notice of Withdrawal of Limited Appearance—Superior Court *[New]*
- § 11:17 Motion to admit an attorney to practice pro hac vice
- § 11:19 Withdrawal from case
- § 11:21 Motion to withdraw appearance

TABLE OF CONTENTS

- § 11:22 Additional rules relating to form of pleadings
- § 11:22.20 E-Mail Address Requirement *[New]*

B. MOTIONS

- § 11:23 Motions—In general
- § 11:24 Service and filing of motions and oppositions in Superior Court
- § 11:27 Affidavits
- § 11:29 Motion day
- § 11:29.50 Videoconference Hearings in Superior Court *[New]*
- § 11:29.70 Assented to motion for all parties to appear remotely *[New]*
- § 11:29.90 Virtual Hearings in Boston Municipal Court and District Court *[New]*
- § 11:30 Form of motion—Generally
- § 11:31 Request for hearing of motion
- § 11:32 Motion for reconsideration
- § 11:34 Opposition to motion—General form
- § 11:35 Cross-motions
- § 11:36 Reply and sur-reply memoranda

CHAPTER 12. CAPTIONS AND NAMES OF PARTIES

- § 12:1 Captions and names of parties—In general
- § 12:4 Description of plaintiff under pseudonym
- § 12:12 Caption—Personal representative as plaintiff *[Retitled]*
- § 12:13 Caption—Personal representative as plaintiff—Another form *[Retitled]*
- § 12:14 Caption—Defendant estate
- § 12:15 Caption—Executor as plaintiff
- § 12:16 Caption—Executor as plaintiff—Another form
- § 12:17 Caption—Personal representatives *[Retitled]*
- § 12:25 Caption—Partnership
- § 12:32 Caption—Individually and as trustee
- § 12:33 Caption—Trustees under trust
- § 12:34 Caption—Trustees of real estate trust
- § 12:35 Caption—Trustees doing business
- § 12:36.50 Captions and parties—Trustee process *[New]*
- § 12:37 Caption—Unincorporated association
- § 12:51 Caption—Third-party complaint
- § 12:54 Caption—Intervener’s answer

CHAPTER 14. ADOPTION BY REFERENCE; EXHIBITS

- § 14:3 Allegation pleading by exhibit—Promissory note

CHAPTER 15. SIGNATURES, APPEARANCES, AND VERIFICATION

- § 15:1 Signature—In general
- § 15:2 Signature by attorney for plaintiff

- § 15:8 Signature by party
- § 15:9 Signature of plaintiff pro se
- § 15:10 Motion to strike pleading for failure to sign
- § 15:11 Notice of appearance (Mass. R. Civ. P. 11(b)(2))
- § 15:12 Notice of withdrawal of appearance
- § 15:13 Motion to withdraw appearance
- § 15:17 Motion to disqualify attorney
- § 15:19 Verification of pleading by party

CHAPTER 16. COMPLAINTS; CLAIMS FOR RELIEF—GENERALLY

- § 16:1 Complaints and claims for relief—In general
- § 16:2 Format and technical requirements
- § 16:3 Jurisdiction and venue
- § 16:6 Demand for relief
- § 16:7 Damages—In general
- § 16:8 Damages in contract actions—In general
- § 16:9 Damages in tort actions—In general
- § 16:10 Mitigation of damages
- § 16:11 Collateral source rule
- § 16:12 Interest
- § 16:14 Loss of consortium damages
- § 16:17 Punitive damages
- § 16:18 Damages for intentional or reckless infliction of emotional distress
- § 16:20 Damages for negligent infliction of emotional distress
- § 16:21.50 Allegation of breach of fiduciary duty by trustee—Form
[New]
- § 16:22 Complaints in actions arising out of contractual obligations—In general

CHAPTER 17. COMPLAINTS—ABUSE OF PROCESS

- § 17:1 Abuse of process—In general
- § 17:2 Abuse of process—Damages
- § 17:4 Allegations in counterclaim of abuse of process by attorney

CHAPTER 18. COMPLAINTS—ON AN ACCOUNT

- § 18:2 Complaint on an open account
- § 18:3 Complaint for balance due on mutual, open, and current account
- § 18:4 Allegations in action on account stated
- § 18:5 Allegations—Action on account stated between partners
- § 18:6 Assignee of seller against buyer on an account
- § 18:7 Allegation that action was commenced within statutory period

TABLE OF CONTENTS

**CHAPTER 19. COMPLAINTS—ALCOHOLIC
BEVERAGES—LIABILITY IN
CONNECTION WITH SELLING OR
SERVING**

- § 19:1 Liability in connection with selling or serving alcoholic
beverages—In general
- § 19:2 Social host liability

**CHAPTER 20. COMPLAINTS—ASSAULT AND
BATTERY**

- § 20:1 Assault and battery—In general

CHAPTER 21. COMPLAINTS—BAILMENTS

- § 21:1 Bailments—In general
- § 21:2 Action against warehouseman

CHAPTER 22. COMPLAINTS—BONDS

- § 22:1 Complaint on bond—In general
- § 22:2 Bond—Action against principal and surety
- § 22:3 Bond filed to recover rent due—Obligee against principal
- § 22:4 Bond to dissolve attachment—Judgment creditor against surety
- § 22:5 Complaint to enforce security under M.G.L.A. c. 149, § 29
- § 22:6 Action by subcontractor on bond under M.G.L.A. c. 149, § 29

**CHAPTER 23. COMPLAINTS—
COMMERCIAL PAPER**

- § 23:1 Complaint on a promissory note
- § 23:2 Complaint on a promissory note—Another form
- § 23:3 Promissory note—Including attorney fees
- § 23:4 Complaint—Promissory note—Holder in due course
- § 23:5 Guaranty of payment of note
- § 23:6 Action against maker and guarantor of note
- § 23:7 Complaint of accommodation party against accommodated
party
- § 23:8 Check—Action against maker
- § 23:9 Action against bank on certified check
- § 23:10 Check—Action by bank
- § 23:11 Mortgage note—Action against maker

**CHAPTER 25. COMPLAINTS—CONSUMER
PROTECTION ACT—M.G.L.A. C. 93A**

- § 25:1 Actions Under Consumer Protection Act (M.G.L.A. c. 93A)—In
general
- § 25:2 Demand letter under Consumer Protection Act—Form
- § 25:3 Attorney fees under Consumer Protection Act
- § 25:6 Preliminary allegations in class action under Consumer
Protection Act

CHAPTER 26. COMPLAINTS—CONVERSION

- § 26:1 Conversion—In general
- § 26:2 Damages for conversion
- § 26:3 Complaint for conversion

CHAPTER 27. COMPLAINTS—DECEIT AND MISREPRESENTATION

- § 27:1 Deceit and fraudulent misrepresentation—In general
- § 27:2 Negligent misrepresentation—In general
- § 27:3 Damages
- § 27:15 Notary public falsely representing acknowledgment of deed
- § 27:17 Allegation of confidential or fiduciary relationship

CHAPTER 28. COMPLAINTS—DEFAMATION

- § 28:1 Defamation—In general
- § 28:3 Libel action against newspaper
- § 28:5 Libel action by public official or public figure
- § 28:14 Slander—Allegations against former employer
- § 28:17 Slander of title
- § 28:18 Allegations of commercial disparagement [*New*]

CHAPTER 29. COMPLAINTS—DISCRIMINATION

- § 29:1 Discrimination—In general
- § 29:2 Relief and damages for employment discrimination under the Massachusetts Fair Employment Practices Act
- § 29:3 Complaint for racial discrimination under Massachusetts Fair Employment Practices Act
- § 29:4 Complaint for gender discrimination under Massachusetts Fair Employment Practices Act
- § 29:6 Complaint for age discrimination under Massachusetts Fair Employment Practices Act
- § 29:7 Complaint for handicap discrimination under Massachusetts Fair Employment Practices Act
- § 29:8 Complaint for religious discrimination in violation of M.G.L.A. c. 151B, § 4(1A)
- § 29:9 Complaint for sexual harassment under Massachusetts Fair Employment Practices Act.
- § 29:10 Allegations of retaliation under Massachusetts Fair Employment Practices Act

CHAPTER 30. EMINENT DOMAIN ACTIONS

- § 30:1 Eminent domain—In general
- § 30:4 Complaint—Taking by Commonwealth

CHAPTER 31. COMPLAINTS—FALSE IMPRISONMENT

- § 31:2 Damages

TABLE OF CONTENTS

- § 31:10 Complaint under erroneous conviction statute—M.G.L. c. 285D, § 1 *[New]*

CHAPTER 32. COMPLAINTS—GOODS SOLD AND DELIVERED

- § 32:1 Complaint for goods sold and delivered
§ 32:2 Complaint for goods sold and delivered—Another form
§ 32:3 Complaint for goods sold and delivered—Another form
§ 32:4 Action against buyer for refusal to receive goods sold
§ 32:5 Manufacturer against buyer
§ 32:6 Goods sold and delivered to municipal corporation
§ 32:7 Conditional sale of goods

CHAPTER 33. COMPLAINTS—GUARANTOR OF DEBT

- § 33:1 Complaint—Loan repayment
§ 33:2 Action against guarantor of conditional sale of motor vehicle
§ 33:3 Action against guarantor of account
§ 33:4 Complaint for breach of contract—Against guarantor of account
§ 33:5 Action against guarantor for goods sold and delivered
§ 33:7 Action against guarantors for balance due on mortgage note
§ 33:8 Mortgage deficiency—On bond
§ 33:9 Action against guarantor for rent
§ 33:10 Promise to pay debt
§ 33:11 Guaranty of collection of note

CHAPTER 34. COMPLAINTS—INSURANCE

- § 34:1 Insurance—In general
§ 34:2 No-fault Insurance—In general
§ 34:3 Uninsured and underinsured motor vehicle policies—In general
§ 34:4 Homeowners' policies—In general
§ 34:7 Fire insurance policy
§ 34:18 General liability policy—Action by insured

CHAPTER 35. COMPLAINTS—INTERFERENCE WITH RIGHTS

- § 35:1 Interference with economic rights—In general
§ 35:2 Damages for interference with economic rights
§ 35:3 Complaint for intentional interference with contract
§ 35:9 Actions under the Massachusetts Civil Rights Act—In general
§ 35:11 Action against town for unlawful exclusion of child from public school
§ 35:14 Civil action for violating right to breastfeed *[New]*

CHAPTER 36. COMPLAINTS—INVASION OF RIGHT OF PRIVACY

- § 36:1 Allegations—Invasion of right of privacy—M.G.L.A. c. 214, § 1B

§ 36:2 Allegations of unauthorized use of name, portrait, or picture of a person—M.G.L.A. c. 214, § 3A

§ 36:3 Allegations of violation of Massachusetts Public Records Act

CHAPTER 37. COMPLAINTS—JUDGMENTS

§ 37:2 Complaints on foreign judgments—In general

§ 37:3 Complaint on foreign judgment

CHAPTER 38. COMPLAINTS—LANDLORD AND TENANT

§ 38:1 Rent under lease

§ 38:2 Use and occupation against tenant

§ 38:7 Breach of implied warranty of habitability

§ 38:8 Breach of covenant of quiet enjoyment

§ 38:9 Complaint under consumer protection act—Tenants against landlord

§ 38:13 Complaint for deposit against landlord

§ 38:14 Attorney's fees incurred from breach of tenant's covenant
[New]

CHAPTER 39. COMPLAINTS—MALICIOUS PROSECUTION

§ 39:1 Malicious prosecution actions—In general

CHAPTER 40. COMPLAINTS—MONEY HAD AND RECEIVED

§ 40:2 Complaint for money had and received

§ 40:3 Complaint for money paid by mistake

§ 40:6 Mistake—For money overpaid

CHAPTER 41. COMPLAINTS—MONEY LENT

§ 41:1 Complaint for money lent

§ 41:2 Money lent—Another form

Volume 10A

CHAPTER 42. COMPLAINTS—NEGLIGENCE

A. NEGLIGENCE ACTIONS IN GENERAL

§ 42:1 Complaints—Negligence actions—In general

§ 42:2 Negligence—In general

§ 42:3 Breach of duty

§ 42:4 Causation

§ 42:5 Violation of statute or regulation as evidence of negligence

§ 42:6 Res ipsa loquitur

§ 42:7 Negligence—Damages

TABLE OF CONTENTS

C. ANIMALS

- § 42:13 Dog bite
- § 42:14 Dog bite—Treble damages
- § 42:15 Domestic animal—Horse—Action against owner and caretaker

D. BOATS

- § 42:20 Swimmer against row boat operator

E. DANGEROUS INSTRUMENTALITIES

- § 42:24 Dangerous instrumentalities—General form

F. DEFECTS IN PUBLIC WAY

- § 42:36 Defect or want of repair on public ways—In general
- § 42:37 Notice under the public way statutes—In general
- § 42:39 Service of notice
- § 42:41 Traveler against municipality—Defective sidewalk
- § 42:43.50 Allegations of strict liability for violation of state building code [*New*]

G. EMPLOYER'S LIABILITY

- § 42:44 Employer's liability—In general

H. INNKEEPERS

- § 42:49 Hotel guest injured as result of negligence—In general
- § 42:53 Wrongful eviction of guest

I. LANDLORD AND TENANT

- § 42:55 Landlord and tenant—Negligence—In general
- § 42:55.10 Complaint against landlord pursuant to M.G.L.A. c. 186, § 19 [*New*]
- § 42:60 Snow and ice on stairs

J. MOTOR VEHICLES

- § 42:64 Motor vehicle negligence—In general
- § 42:68 Complaint for negligence—Pedestrian against operator
- § 42:71 Complaint for negligence where plaintiff is unable to determine definitely which of two persons is responsible
- § 42:74 Allowing improper person to operate—Negligent entrustment

K. PERSONS ON PREMISES

- § 42:77 Persons on premises—In general
- § 42:79 Person lawfully on premises against owner
- § 42:81 Person lawfully on premises against person in control—Foreign substance on step
- § 42:82 Snow and ice outside of building—Action against owner

§ 42:88 Patron against service station—Fall in greasing pit

L. STOREKEEPERS

- § 42:89 Storekeepers—In general
- § 42:90 Action against storekeeper—Hazard in aisle
- § 42:93 Defective maintenance of open stairway
- § 42:98 Foreign substance on floor
- § 42:99 Allegations relating to foreign substance on floor

M. THEATERS AND SHOWS

- § 42:101 Theaters and shows—In general
- § 42:108 Foreign substance on floor
- § 42:110 Traveler injured by snow and ice in front of theater

CHAPTER 43. COMPLAINTS—NEGLIGENT PERFORMANCE OF SERVICES

- § 43:3 Negligent performance of accounting services
- § 43:4 Legal malpractice—In general
- § 43:5 Allegation of negligence of attorney—General form
- § 43:10 Allegations of negligence of insurance company agent
- § 43:12 Action against pharmacist—Negligent prescription
- § 43:14 Medical malpractice—In general
- § 43:14.50 Medical malpractice—Pre-litigation notice *[New]*
- § 43:15 Medical malpractice tribunals
- § 43:16 Motion to reduce bond
- § 43:17 Superior Court Standing Order 1-82
- § 43:18 Action against plastic surgeon—Contract and tort
- § 43:23 Malpractice by surgeon
- § 43:25 Action against private hospital
- § 43:27 Action against charitable medical facility *[Retitled]*
- § 43:30.10 Action against licensed mental health professional for failure to warn or protect victim of patient *[New]*

CHAPTER 44. COMPLAINTS—NUISANCE

- § 44:1 Nuisance—In general
- § 44:3 Nuisance created by landowner
- § 44:4 Artificial accumulation of ice—Action against owner

CHAPTER 45. COMPLAINTS—PURCHASE AND SALE OF PERSONAL PROPERTY—PRODUCTS LIABILITY

- § 45:4 Breach of warranty—In general
- § 45:9 Breach of warranty against food retailer
- § 45:11 Actions against manufacturers—In general
- § 45:12 Breach of warranty by manufacturer of motor vehicle
- § 45:19 Allegations of Breach of Warranty of Merchantability—Asbestos *[New]*

TABLE OF CONTENTS

**CHAPTER 46. COMPLAINTS—PURCHASE
AND SALE OF REAL ESTATE**

- § 46:1 Buyer against seller of real estate
- § 46:9 Builder against buyer of real estate

**CHAPTER 47. COMPLAINTS—REAL ESTATE
BROKER'S COMMISSION**

- § 47:1 Broker against seller—In general
- § 47:2 Broker against seller
- § 47:3 Broker against seller—Another form
- § 47:4 Broker against purchaser for commission

**CHAPTER 48. COMPLAINTS—SERVICES,
LABOR AND MATERIAL—CONTRACT
ACTIONS**

- § 48:1 Action for services rendered—General form
- § 48:2 Action for services rendered—Another general form
- § 48:4 Attorney against client for legal services
- § 48:5 Attorney against client for legal services—Quantum meruit
- § 48:6 action by attorney against guarantor of fee
- § 48:7 Attorney against attorney for legal services—Quantum meruit
- § 48:9 Action against city for services
- § 48:10 Action against city for services—Another form
- § 48:11 Advertising services and materials
- § 48:12 Allegation of claim for fair value of services
- § 48:13 Action against estate for services
- § 48:15 Action by contractor against owner—Labor and materials—
Quantum meruit
- § 48:16 Labor and materials—Builder against owner
- § 48:17 Action by subcontractor against contractor
- § 48:18 Action to recover moneys loaned and advanced, and for
services
- § 48:19 Allegation of breach by employer of agreement to employ—
At-will employee—Public policy exception

**CHAPTER 49. COMPLAINTS—TORT CLAIMS
ACT**

- § 49:1 Tort Claims Act—In general
- § 49:2 Presentment letter

**CHAPTER 50. COMPLAINTS—TRESPASS TO
LAND**

- § 50:1 Actions for trespass to land—In general
- § 50:2 Trespass to land
- § 50:7 Actions to enjoin trespass—In general

CHAPTER 51. COMPLAINTS— MISCELLANEOUS ACTIONS IN EQUITY

- § 51:4 Appointment of trustee
- § 51:5 Claim for debt and to set aside fraudulent conveyance under Mass. R. Civ. P. 18(b)
- § 51:6 Reach and apply insurance policy
- § 51:11 Action to reach and apply judgment
- § 51:21 Specific performance of contract to convey land
- § 51:27 Dissolution of partnership
- § 51:28 Action to establish constructive trust

CHAPTER 52. PLEADING SPECIAL MATTERS

B. CAPACITY

- § 52:10 Specific negative averment—Capacity of partnership

C. FRAUD, MISTAKE, AND CONDITION OF MIND

- § 52:14 Fraud, mistake, duress, undue influence

D. CONDITION PRECEDENT

- § 52:22 Condition precedent—Allegation in general

F. JUDGMENT

- § 52:28 Judgment—Allegation of
- § 52:29 Judgment—Allegation of—Another form
- § 52:30 Foreign judgment—Allegation of

H. SPECIAL DAMAGES

- § 52:33 Special damages—Allegation of
- § 52:34 Allegation of special damages in action for personal injury

CHAPTER 53. ANSWERS AND REPLIES

A. GENERALLY

- § 53:1 Answers, replies, and defenses—General considerations

B. ANSWERS

- § 53:6 Answers—In general
- § 53:11 Denial of knowledge or information sufficient to form a belief
- § 53:13 Answer presenting defenses under Mass. R. Civ. P. 12(b) and 8
- § 53:15 Reference to paragraphs of complaint in answer
- § 53:16 Answer to complaint, with counterclaim for interpleader

TABLE OF CONTENTS

C. REPLIES

- § 53:28 Reply to defense of statute of limitations—Alleging part payment

CHAPTER 54. SPECIFIC ANSWERS AND AFFIRMATIVE DEFENSES

- § 54:1 Introduction
§ 54:11 Agency—Denial of
§ 54:13 Arbitration and award
§ 54:23 Assignee—Denial of assignment
§ 54:27 Bills and notes—Alteration of note
§ 54:52 Capacity to contract—Lack of—Mental illness
§ 54:65 Charitable immunity
§ 54:65.20 Immunity of nonprofit sports program volunteer *[New]*
§ 54:65.30 Statutory immunity of insurance company for reporting suspected insurance fraud to Massachusetts Insurance Fraud Bureau *[New]*
§ 54:66 Comparative negligence
§ 54:68 Consideration—Failure of
§ 54:82 Damages—Mitigation of
§ 54:83 Damages—Penalty
§ 54:89 Duress in execution of contract
§ 54:93 Estoppel
§ 54:95 Estoppel—Promissory
§ 54:106 Illegality of transaction
§ 54:109 Illegality—Violation of statute—Negligence
§ 54:120 Impossibility of performance
§ 54:124.50 Intentional torts—Immunity of board of registration in medicine *[New]*
§ 54:130 Judicial estoppel
§ 54:131 Laches
§ 54:137 Landlord and tenant—Breach of implied warranty of habitability
§ 54:141 Libel—Fair comment
§ 54:146 Libel and slander—Official duties
§ 54:149 Libel and slander—Truth
§ 54:154 Mistake
§ 54:165 Pendency of another action
§ 54:171 Preclusion—Claim
§ 54:174 Preclusion—Issue (collateral estoppel)
§ 54:175 Preemption
§ 54:178 Real property—Adverse possession
§ 54:182 Release
§ 54:193 Statute of frauds—General form
§ 54:194 Statute of frauds—Agreement to make a will
§ 54:196 Statute of frauds—Agreement to revoke will
§ 54:197 Statute of frauds—Contract not to be performed within one year
§ 54:202 Statute of frauds—Oral promise to pay debt of another
§ 54:211 Statute of limitations—General form
§ 54:213 Statute of limitations—Twenty years

- § 54:213.30 Statute of limitations—35 years *[New]*
- § 54:215 Statute of limitations—Six years
- § 54:217 Statute of limitations—Four years
- § 54:219 Statute of limitations—Three years
- § 54:223 Statute of limitations—Two years
- § 54:226 Statute of limitations—One year
- § 54:229 Statute of repose
- § 54:239 Workers' compensation
- § 54:242 Recreational Use Statute *[New]*
- § 54:242.50 Public use statute *[New]*
- § 54:243 Absolute Litigation Privilege *[New]*
- § 54:244 Immunity Under M.G.L.A. c. 112, § 5G(a) *[NEW]*

CHAPTER 55. MOTIONS AND PROCEEDINGS UNDER RULE 12

A. GENERALLY

- § 55:1 Defenses and objections—In general

B. MOTION TO DISMISS

- § 55:3 Motion to dismiss—In general
- § 55:3.50 Notice of motion to dismiss—Superior Court Rule 9E *[New]*
- § 55:4 Motion to dismiss, presenting defenses of failure to state a claim, of lack of service of process, of improper venue, and of lack of jurisdiction under Mass. R. Civ. P. 12(b)
- § 55:5 Motion to dismiss combining various defenses
- § 55:7 Motion to dismiss cross-claim combining various grounds
- § 55:8 Motion to dismiss—Claim does not survive death of plaintiff
- § 55:9 Motion to dismiss—Lack of capacity to sue
- § 55:10 Motion to dismiss—Statute of frauds
- § 55:11 Motion to dismiss—Lack of jurisdiction over person
- § 55:12 Motion to dismiss—Lack of jurisdiction over person—Another form
- § 55:13 Motion to dismiss—Lack of jurisdiction over person—Another form
- § 55:14 Motion to dismiss—Lack of jurisdiction over person and insufficiency of service of process—Another form
- § 55:15 Motion to dismiss—Lack of personal jurisdiction—Foreign corporation
- § 55:16 Motion to dismiss—Lack of personal jurisdiction—Foreign corporation—Another form
- § 55:17 Motion to dismiss—Lack of personal jurisdiction—Foreign corporation—Another form
- § 55:18 Motion to dismiss—Lack of jurisdiction over subject matter—General form
- § 55:19 Motion to dismiss—Lack of jurisdiction over subject matter—Another form
- § 55:20 Motion to dismiss—Lack of jurisdiction over subject matter—Another form

TABLE OF CONTENTS

§ 55:21	Motion to dismiss some counts—Lack of jurisdiction over subject matter
§ 55:22	Motion to dismiss—Improper venue
§ 55:23	Motion to dismiss—Improper venue—Another form
§ 55:24	Motion to dismiss—Insufficiency of process
§ 55:25	Motion to dismiss—Insufficiency of process—Another form
§ 55:26	Motion to dismiss—Insufficiency of process—Another form
§ 55:27	Motion to dismiss—Insufficiency of service of process
§ 55:28	Motion to dismiss—Insufficiency of service of process—Another form
§ 55:29	Motion to dismiss—Failure to state a claim—In general
§ 55:30	Motion to dismiss—Failure to state a claim—General form
§ 55:31	Motion to dismiss—Failure to state a claim—Another form
§ 55:32	Motion to dismiss—Failure to state a claim—Another form
§ 55:33	Motion to dismiss—Failure to state a claim—Another form
§ 55:34	Motion to dismiss—Failure to state a claim in counterclaim
§ 55:35	Motion to dismiss—Failure to state a claim—In alternative for summary judgment
§ 55:36	Motion to dismiss—Failure to state a claim—In alternative for summary judgment—Another form
§ 55:36.10	Motion to dismiss—Failure to state a claim—Enforcement of Forum Selection Clause <i>[New]</i>
§ 55:37	Motion to dismiss—Failure to state a claim—And motion for summary judgment
§ 55:38	Motion to dismiss—Failure to state a claim—Plaintiff not the real party in interest
§ 55:39	Motion to dismiss—Renewal of motion to dismiss original and amended complaints
§ 55:40	Motion to dismiss—Failure to state a claim—Failure to comply with Mass. R. Civ. P. 9(b)
§ 55:41	Motion to dismiss—Failure to state a claim—Failure to comply with Mass. R. Civ. P. Rule 9(b)—Another form
§ 55:42	Motion to dismiss—Laches
§ 55:43	Motion to dismiss—Statute of limitations
§ 55:44	Motion to dismiss—Statute of limitations—Another form
§ 55:45	Defendant's motion to dismiss for failure to prosecute
§ 55:46	Motion to dismiss—Failure to join indispensable party
§ 55:47	Motion to dismiss—Failure to join indispensable party—Another form
§ 55:48	Motion to dismiss—Failure to join indispensable party—Another form
§ 55:49	Motion to dismiss—Failure to join a party under Mass. R. Civ. P. 19
§ 55:50	Motion to dismiss on the ground of res judicata
§ 55:51	Motion to dismiss on the ground of res judicata—Another form
§ 55:52	Motion to dismiss—Pending action
§ 55:53	Motion to dismiss—Pending action—Another form
§ 55:53.20	Motion to dismiss—Improper procedural amount—Superior Court <i>[New]</i>
§ 55:53.40	Motion to dismiss—Improper procedural amount—District Court and Boston Municipal Court <i>[New]</i>

- § 55:53.60 Motion to dismiss—Improper procedural amount—Superior Court *[New]*
- § 55:53.80 Motion to dismiss—Improper procedural amount—District Court and Boston Municipal Court *[New]*
- § 55:54 Special motion to dismiss—SLAPP suit
- § 55:54.50 Special motion to dismiss—SLAPP suit - 2024 revised framework *[New]*

C. MOTION FOR JUDGMENT ON THE PLEADINGS

- § 55:55 Motion of defendant for judgment on the pleadings
- § 55:56 Motion of defendant for judgment on the pleadings—Another form
- § 55:57 Motion of defendant for judgment on the pleadings—Another form
- § 55:58 Motion of defendant for judgment on the pleadings—Another form
- § 55:59 Motion of defendant for judgment on the pleadings—Another form
- § 55:60 Motion of plaintiff for judgment on the pleadings

D. MOTION FOR HEARING OF DEFENSES

- § 55:61 Motion for preliminary hearing—General form
- § 55:62 Motion for disposition of defendant’s motion to dismiss

F. MOTION TO STRIKE

- § 55:72 Motion to strike—Failure to serve more definite statement
- § 55:73 Motion to strike counts for failure to file more definite statement
- § 55:74 Motion of defendant to strike allegations from pleading
- § 55:75 Motion to strike—Impertinence and immateriality
- § 55:76 Motion to strike—Immaterial and prejudicial matter
- § 55:77 Motion to strike immaterial matter
- § 55:78 Motion to strike immaterial matter—Another form
- § 55:79 Motion to strike—Impertinent and scandalous matter
- § 55:80 Motion to strike scandalous matter in answer
- § 55:81 Motion to strike part of claim for relief
- § 55:82 Motion to strike—Failure to number paragraphs
- § 55:83 Motion to strike complaint—No signature
- § 55:85 Motion to strike answer
- § 55:87 Motion to strike defense in answer
- § 55:88 Motion to strike defense in answer—Another form
- § 55:89 Motion to strike defenses in answer
- § 55:90 Motion to strike insufficient affirmative defenses in answer

CHAPTER 56. COUNTERCLAIMS AND CROSS-CLAIMS

- § 56:1 Counterclaims and cross-claims—In general
- § 56:2 Counterclaim—General form
- § 56:6 Answer to complaint—With counterclaim for interpleader

TABLE OF CONTENTS

- § 56:10 Motion to dismiss claim which was compulsory counterclaim
in a prior adjudication

CHAPTER 57. THIRD-PARTY PRACTICE

- § 57:1 Third-party practice (impleader)—In general
§ 57:2 Summons and complaint against third-party defendant
§ 57:3 Third-party complaint
§ 57:4 Third-party complaint against joint tortfeasor for contribution
§ 57:8 Motion to bring in third-party defendant
§ 57:9 Motion to bring in third-party defendant—Another form
§ 57:10 Motion to bring in third-party defendant—Another form
§ 57:11 Motion to bring in third-party defendant—Another form

CHAPTER 58. AMENDED AND SUPPLEMENTAL PLEADINGS

A. GENERALLY

- § 58:1 Amended and supplemental pleadings—In general

B. AMENDED PLEADINGS

- § 58:2 Motion for leave to amend—General form
§ 58:3 Motion for leave to amend complaint—General form
§ 58:4 Motion for leave to amend complaint—Long form
§ 58:5 Motion for leave to amend complaint—Short form
§ 58:7 Motion for leave to amend complaint—In response to motion
to dismiss complaint
§ 58:8 Motion for leave to amend complaint by adding new count
§ 58:9 Motion for leave to amend complaint by adding new count—
Long form
§ 58:10 Motion for leave to amend complaint by adding new count—
Short form
§ 58:11 Motion for leave to change party against whom claim is
asserted
§ 58:12 Motion for leave to amend to add name of defendant
§ 58:13 Motion to amend complaint by correcting fictitious name of
defendant
§ 58:14 Motion for leave to amend complaint by interlineation
§ 58:15 Motion for leave to amend complaint—Lack of knowledge of
facts at time of original complaint
§ 58:17 Amendment to complaint—As matter of course
§ 58:24 Motion to amend answer by adding a defense

C. SUPPLEMENTAL PLEADINGS

- § 58:35 Motion for leave to file supplemental complaint

CHAPTER 59. PRE-TRIAL PROCEDURE

- § 59:1 Pre-trial procedure—In general
§ 59:1.30 Pilot program for money damage civil actions in the district
courts in norfolk county *[New]*

- § 59:1.50 District Court Standing Order No. 1-16: Norfolk County Pilot Program for Civil Money Damage Actions *[New]*
- § 59:2 Motion for pre-trial conference
- § 59:5 Notice to appear for final pretrial conference—Seventh Amended Standing Order 1-88 *[Retitled]*
- § 59:6 Joint pre-trial memorandum
- § 59:11 District court and Boston Municipal Court civil case management—Joint Standing Order No. 1-04
- § 59:11.50 Certification by parties for out-of-court case management conference—Boston Municipal Court *[New]*
- § 59:12 Notice of case management conference—District Court and Boston Municipal Court
- § 59:18 Case—Specific management pursuant to Superior Court Rule 20 *[New]*
- § 59:19 Motion for case—Specific management pursuant to Superior Court Rule 20 *[New]*
- § 59:20 Motion to amend Tracking Order to permit additional discovery *[New]*

Volume 10B

PART V. PARTIES AND THEIR CLAIMS

CHAPTER 60. REAL PARTIES IN INTEREST

- § 60:1 Real party in interest—In general
- § 60:7 Denial of capacity of plaintiff as administrator
- § 60:13 Motion for appointment of next friend for minor plaintiff
- § 60:14 Motion for appointment of guardian ad litem for minor
- § 60:16.20 Motion for appointment of guardian ad litem for incapacitated plaintiff *[New]*

CHAPTER 61. JOINDER OF CLAIMS AND REMEDIES

- § 61:4 Complaint on claim for debt and to set aside fraudulent conveyance under Rule 18(b)
- § 61:5 Complaint for interpleader and declaratory relief

CHAPTER 62. JOINDER OF PARTIES NEEDED FOR JUST ADJUDICATION

- § 62:1 Joinder of parties—In general
- § 62:19 Allegation of reason for omitting party

CHAPTER 63. PERMISSIVE JOINDER OF PARTIES

- § 63:3 Complaint joining defendants, asserting right to relief against them in alternative

TABLE OF CONTENTS

**CHAPTER 64. MISJOINDER AND NON-
JOINDER OF PARTIES**

- § 64:1 Misjoinder and non-joinder of parties—In general
- § 64:3 Motion to add party defendant

CHAPTER 65. INTERPLEADER

- § 65:2 Complaint for interpleader and declaratory relief

CHAPTER 66. CLASS ACTIONS

- § 66:1 Class actions—In general
- § 66:8 Motion to determine propriety of class action and for notice

**CHAPTER 67. DERIVATIVE ACTIONS BY
SHAREHOLDERS**

- § 67:1 Derivative actions by shareholders—In general
- § 67:4 Complaint for shareholder derivative action—Recovery of illegal bonus
- § 67:10 Motion to dismiss derivative action pursuant to M.G.L.A. c. 156D, § 7.4
- § 67:11 Motion to dismiss derivative action
- § 67:12 Allegations for complaint for LLC member derivative actions under the Massachusetts Limited Liability Company Act—M.G.L. c. 156C, § 56 *[New]*
- § 67:12.50 Motion to dismiss limited liability company derivative suit—Lack of standing *[New]*
- § 67:13 Action for inspection of corporate books and records *[New]*

CHAPTER 69. INTERVENTION

- § 69:1 Intervention—In general
- § 69:2 Motion to intervene—As of right—By statute
- § 69:3 Motion to intervene as plaintiff—As of right
- § 69:9 Motion for permissive intervention
- § 69:12 Motion to intervene as a defendant—Another form
- § 69:15 Opposition to motion for intervention

CHAPTER 70. SUBSTITUTION OF PARTIES

- § 70:1 Substitution of parties—In general
- § 70:2 Suggestion of death upon the record under Mass. R. Civ. P. 25(a)(1)
- § 70:16 Motion to dismiss on ground action does not survive plaintiff's death
- § 70:19 Motion of plaintiff for substitution because of incompetency of defendant

PART VI. DEPOSITIONS AND DISCOVERY

CHAPTER 71. DEPOSITION AND DISCOVERY IN GENERAL

A. IN GENERAL

- § 71:1 Discovery—In general
- § 71:2 Superior Court Rule 30A (written discovery) *[Retitled]*
- § 71:4 Motion for order for discovery of party's own statement
- § 71:7 Certificate of compliance with Superior Court Rule 9C
- § 71:9 Privilege log

B. PROTECTIVE ORDERS

- § 71:10 Motion for protective order—General form
- § 71:10.50 Bill for discovery—Complaint for discovery *[New]*
- § 71:12 Motion for protective order—Privileged matter
- § 71:18 Motion for protective order that discovery not be had—
Oppressive written questions
- § 71:28 Motion to seal and impound answers of party to written
questions
- § 71:30 Motion for protective order that trade secrets and
confidential research and development not be disclosed

CHAPTER 72. PERPETUATION OF TESTIMONY

A. PERPETUATION BEFORE ACTION

- § 72:1 Perpetuation before action—In general
- § 72:8 Motion for service by publication and for appointment of
attorney

B. PERPETUATION PENDING APPEAL

- § 72:10 Motion to perpetuate testimony pending appeal
- § 72:14 Notice of taking of deposition to perpetuate testimony pending
appeal

CHAPTER 73. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

- § 73:1 Persons before whom depositions may be taken—In general
- § 73:2 Motion to appoint person before whom deposition may be taken

TABLE OF CONTENTS

**CHAPTER 74. STIPULATIONS REGARDING
DISCOVERY**

§ 74:7 Stipulation for taking of remote oral deposition (U.S. District
Court for Southern District of New York) *[New]*

**CHAPTER 75. DEPOSITIONS UPON ORAL
EXAMINATION**

A. IN GENERAL

§ 75:1 Depositions upon oral examination—In general

B. AUDIO-VISUAL DEPOSITIONS AND EVIDENCE

§ 75:2 Mass. R. Civ. P. 30A—Audio-visual depositions and audio-visual
evidence

§ 75:3 Notice of deposition by audio-visual means

§ 75:4 Notice of audio-visual deposition of treating physician or expert
witness for use at trial

§ 75:5 Stipulation for deposition by audio-visual means

§ 75:6 Stipulation to take testimony recorded by other than
stenographic means

§ 75:7 Motion for deposition by audio-visual means

§ 75:8 Motion to authorize audio-visual testimony

§ 75:9 Motion to take deposition by telephone

C. NOTICE OF EXAMINATION

§ 75:10 Notice for taking oral deposition

§ 75:11 Notice for taking oral deposition—Another form

§ 75:12 Notice of taking deposition upon oral examination—Pursuant
to order granting leave to take deposition

§ 75:13 Notice of examination—Deposition of corporation

§ 75:15 Notice of oral examination—Designation of materials in
subpoena duces tecum

§ 75:23 Motion to shorten time fixed by notice for taking deposition

§ 75:24 Motion to enlarge time of notice of taking of deposition

§ 75:25 Motion to enlarge time for taking deposition—Another form

§ 75:26 Motion to enlarge time for taking deposition—Another form

§ 75:27 Motion to enlarge or shorten time for taking of deposition

§ 75:28 Stipulation reducing time for plaintiff to take deposition

D. MOTIONS TO TAKE DEPOSITIONS

§ 75:31 Motion to take deposition within thirty days after service

§ 75:32 Motion to take deposition—After hearing by master

§ 75:33 Motion for leave to take deposition of prisoner

**E. MOTIONS TO TERMINATE OR LIMIT
EXAMINATION**

§ 75:35 Motion to terminate examination

§ 75:38 Motion to limit deposition

F. MOTION FOR EXPENSES

- § 75:42 Motion for expenses—Party giving notice failed to attend
- § 75:43 Motion for expenses—Party giving notice failed to attend—
Another form
- § 75:44 Motion for expenses—Failure to serve a subpoena
- § 75:45 Motion for expenses—Failure to serve subpoena—Another
form
- § 75:46 Motion for expenses—Failure to serve subpoena—Another
form

G. MISCELLANEOUS

- § 75:49 Motion to resume taking of deposition
- § 75:50 Stipulation waiving submission and signing
- § 75:52 Written questions in lieu of participating in oral examination

CHAPTER 77. USE OF DEPOSITIONS IN COURT PROCEEDINGS

- § 77:1 Use of depositions in court proceedings—In general
- § 77:6 Notice to take deposition of corporate officer

CHAPTER 78. INTERROGATORIES TO PARTIES—IN GENERAL

- § 78:1 Interrogatories to parties—In general
- § 78:2 Uniform definitions in written discovery requests in Superior
Court cases
- § 78:4 Interrogatories regarding experts

CHAPTER 79. INTERROGATORIES IN SPECIFIC ACTIONS

B. INTERROGATORIES OF PLAINTIFF IN ACTIONS OF TORT

- § 79:50 Negligence—Customer injured in aisle of store
- § 79:51 Negligence—Action against store—Defective stairs
- § 79:52 Negligence—Action against store—Foreign substance on floor
- § 79:53 Negligence—Patron against owner of theater—Defective
maintenance of premises

C. INTERROGATORIES OF DEFENDANT IN ACTIONS ARISING OUT OF CONTRACTUAL OBLIGATIONS

- § 79:77 Equitable replevin of engagement ring
- § 79:82 To person suing estate for services rendered to decedent

TABLE OF CONTENTS

**CHAPTER 80. ANSWERS AND OBJECTIONS
TO INTERROGATORIES**

A. GENERALLY

- § 80:1 Answers and objections to interrogatories—In general
- § 80:2 Answers and objections to interrogatories
- § 80:5 Objections to interrogatories
- § 80:6 Objections to interrogatories—General objections
- § 80:7 Objections to interrogatories—Basic form
- § 80:8 Objections to interrogatories—Specific objections
- § 80:9 Objections to interrogatories—Long form
- § 80:10 Objections to interrogatories—Short form

B. EXTENSION OF TIME TO ANSWER

- § 80:12 Motion to extend time to answer interrogatories
- § 80:13 Motion to extend time to answer interrogatories—General form
- § 80:14 Motion to extend time to answer interrogatories—Long form
- § 80:15 Motion to extend time to answer interrogatories—Short form
- § 80:16 Motion to enlarge time to further answer interrogatories
- § 80:17 Motion for extension of time to file objections or to answer interrogatories

C. MOTIONS TO COMPEL ANSWERS

- § 80:18 Motion to compel answers to interrogatories
- § 80:19 Motion to compel answers to interrogatories—Another form
- § 80:20 Motion for order compelling party to answer objected-to interrogatories

D. MISCELLANEOUS

- § 80:25 Motion for order precluding party from supporting his or her claim for failure to answer interrogatories

**CHAPTER 81. PRODUCTION OF
DOCUMENTS AND THINGS AND ENTRY
UPON LAND FOR INSPECTION AND
OTHER PURPOSES**

- § 81:1 Production of documents and things and entry upon land for inspection and other purposes—In general
- § 81:2 Request for production of documents, etc. *[Retitled]*
- § 81:3 Request for production of documents, etc.—Another form
- § 81:4 Request for production of documents—Another form
- § 81:5 Request of defendant for production of documents
- § 81:6 Definition of “document”—Superior Court Rule 30A *[Retitled]*
- § 81:8 Request for production, inspection and copying of documents, and inspection and photographing of things and real property

- § 81:9 Motion to compel production, inspection, and copying of documents in case of objection or failure to respond
- § 81:11 Motion to compel production of writing
- § 81:12 Motion to compel production of writing—Another form
- § 81:21 Response to request for production
- § 81:22 Response to request for production—Another form
- § 81:23 Response of defendant to request for production of documents—Another form
- § 81:24 Supplementary response to request for production of documents
- § 81:27 Application for hospital record

CHAPTER 82. PHYSICAL AND MENTAL EXAMINATION OF PERSONS

- § 82:1 Physical and mental examination of persons—In general
- § 82:13 Motion for physical and mental examination
- § 82:14 Motion for mental examination
- § 82:17 Request for copy of examiner's report
- § 82:22 Motion for delivery of report of physical examination

CHAPTER 83. REQUESTS FOR ADMISSION OF FACTS AND DOCUMENTS

- § 83:1 Requests for admission of facts and documents—In general
- § 83:2 Request for admission [*Retitled*]
- § 83:21 Motion for order requiring party to pay expenses for refusal to admit matters
- § 83:22 Motion for further responses and for expenses
- § 83:23 Motion for order that matter is admitted
- § 83:24 Motion for order that matter is admitted—Another form
- § 83:25 Motion for order that matter is admitted—Another form
- § 83:26 Motion to strike out requests for admissions
- § 83:27 Motion to strike answer and direct matters be deemed admitted
- § 83:32 Motion to withdraw or amend admission
- § 83:33 Motion to amend answer to requests

CHAPTER 84. SANCTIONS FOR FAILURE TO MAKE DISCOVERY

A. IN GENERAL

- § 84:1 Sanctions for failure to make discovery—In general

B. MOTIONS FOR ORDER COMPELLING DISCOVERY

- § 84:5 Motion for order compelling production of documents
- § 84:9 Motion for order compelling answers to interrogatories
- § 84:10 Motion for order compelling answers to interrogatories—Another form

TABLE OF CONTENTS

- § 84:11 Motion for order compelling answers to interrogatories—
Another form
- § 84:12 Motion for order compelling answers to interrogatories—
Another form
- § 84:13 Motion to compel judgment debtor to answer written
interrogatories propounded under Mass. R. Civ. P. 69

C. FAILURE TO COMPLY WITH ORDER

- § 84:14 Motion for order that matters be taken as established
- § 84:17 Motion for order forbidding party to support or oppose certain
claims or defenses
- § 84:20 Motion to stay proceedings until order obeyed
- § 84:22 Motion for order striking pleadings
- § 84:23 Motion for order to dismiss action
- § 84:27 Motion for judgment by default
- § 84:28 Motion for judgment by default (or dismissal)
- § 84:29 Motion for judgment for failure to produce documents

D. EXPENSES UNDER RULE 37

- § 84:38 Motion for order awarding expenses—Failure to admit
- § 84:41 Motion for order awarding expenses—Failure to respond to
interrogatories

E. FAILURE OF PARTY TO ATTEND OR TO RESPOND

- § 84:42 Motion for order that facts be taken as established pursuant
to Mass. R. Civ. P. 37(d)
- § 84:44 Motion for order of preclusion—Failure to respond to
interrogatories
- § 84:49 Motion for order awarding expenses—Mass. R. Civ. P. 37(d)

Volume 10C

PART VII. TRIALS

CHAPTER 85. TRIALS—GENERALLY

A. JURY TRIAL AS OF RIGHT

- § 85:1 Jury trial as of right—In general

B. TRIAL BY JURY OR BY THE COURT

- § 85:21.50 Unavailability of a judge *[New]*

C. STIPULATIONS—JURIES OF LESS THAN TWELVE (OR SIX); MAJORITY VERDICT

- § 85:32 Stipulation for trial by less than twelve jurors (Superior Court) or six jurors (District Court and Boston Municipal Court)—In general
- § 85:33 Stipulation for trial by less than twelve jurors—Superior Court
- § 85:38 Motion to examine prospective jurors *[New]*
- § 85:39 Superior Court Rule 6 (Jury Selection) *[New]*
- § 85:40 Juror voir dire in the District Court *[New]*
- § 85:41 Juror voir dire in Boston Municipal Court *[New]*

CHAPTER 86. ASSIGNMENT OF CASES FOR TRIAL; CONTINUANCES

A. ASSIGNMENT OF CASES FOR TRIAL

- § 86:1 Assignment of cases for trial—In general
- § 86:3 Superior Court time standards order—Seventh Amended Standing Order No. 1-88 *[Retitled]*
- § 86:7 Motion to advance for speedy trial—Pro se

B. CONTINUANCES

- § 86:13 Continuances—In general
- § 86:28 Motion to stay proceedings—Servicemembers Civil Relief Act
- § 86:29 Affidavit—Servicemembers Civil Relief Act

CHAPTER 87. DISMISSAL OF ACTIONS

A. VOLUNTARY DISMISSAL

- § 87:1 Voluntary dismissal—In general

B. INVOLUNTARY DISMISSAL

- § 87:19 Involuntary dismissal—In general
- § 87:20 Motion for dismissal for failure to comply with order of court
- § 87:22 Motion to dismiss at close of plaintiff's evidence—Another form
- § 87:23 Motion to dismiss for failure of plaintiff to prosecute
- § 87:24 Motion to dismiss for failure of plaintiff to prosecute—Another form
- § 87:25 Motion to dismiss for failure of plaintiff to prosecute—Another form
- § 87:26.50 Dismissal for failure to comply with District Court and Boston Municipal Court Joint Standing Order No. 2-15 regarding verification of defendant's address *[New]*

TABLE OF CONTENTS

**CHAPTER 88. CONSOLIDATED AND
SEPARATE TRIALS**

A. CONSOLIDATION

- § 88:1 Consolidation of actions—Generally
- § 88:2 Superior Court Rule 31 (consolidation of Superior Court cases)
[Retitled]
- § 88:3 Motion by defendant for consolidation of actions
- § 88:4 Motion by defendant for consolidation of actions—Another form
- § 88:5 Motion of defendant to consolidate actions—Another form
- § 88:6 Motion by defendants for consolidation of actions—Another
form
- § 88:7 Motion by plaintiffs for consolidation of actions
- § 88:8 Motion by plaintiff for consolidation

CHAPTER 89. EVIDENCE AND TESTIMONY

- § 89:3 Motion to appoint an interpreter for a non-English speaker
- § 89:4 Motion to appoint an interpreter for a hearing-impaired person
- § 89:5 Motion of attorney for leave to testify
- § 89:6 Superior Court Standing Order 1-20—Videoconferencing of
Court Events [Superseded by Superior Court Standing Order
1-22; see § 89:7] *[New]*
- § 89:7 Superior Court Standing Order 1-22—Videoconferencing of
Court Events *[New]*
- § 89:8 BMC and District Court Joint Standing Order 2-22 *[New]*
- § 89:9 Time limitations on the presentation of evidence *[New]*

**CHAPTER 90. PROOF OF OFFICIAL
RECORDS AND DETERMINATION OF
FOREIGN LAW**

B. DETERMINATION OF FOREIGN LAW

- § 90:6 Determination of foreign law—In general

CHAPTER 91. SUBPOENAS

- § 91:1 Subpoenas—In general
- § 91:2 Subpoena—General form
- § 91:3 Subpoena—District Court
- § 91:4 Subpoena for production of documentary evidence—For
trial
- § 91:5 Subpoena for trial
- § 91:6 Subpoena for deposition
- § 91:7 Subpoena for production of documentary evidence (duces
tecum)—For deposition
- § 91:8 Subpoena (duces tecum) for deposition of corporation
- § 91:9 Subpoena for testimony and for production of documentary
evidence—Deposition

- § 91:10 Subpoena for testimony and for production of documentary evidence—Deposition with notice that production will excuse appearance
- § 91:10.50 “Documents only” subpoena *[New]*
- § 91:11 Motion to quash subpoena
- § 91:17 Motion for order to produce
- § 91:19 Motion for contempt—Failure to comply with subpoena

CHAPTER 92. SPECIAL VERDICTS AND INTERROGATORIES

- § 92:6 Request for written interrogatories to accompany general verdict
- § 92:10 Receipt of a Verdict *[New]*

CHAPTER 93. TRIAL MOTIONS

A. MOTION FOR DIRECTED VERDICT

- § 93:1 Motion for directed verdict—In general
- § 93:5 Motion for directed verdict—On opening

B. MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT

- § 93:18 Motion for judgment notwithstanding the verdict—In general
- § 93:19 Motion for judgment in accordance with motion for directed verdict
- § 93:20 Motion for judgment in accordance with motion for directed verdict in the alternative
- § 93:21 Motion for judgment in accordance with motion for directed verdict or for new trial
- § 93:22 Motion for judgment in accordance with motion for directed verdict or for new trial—Another form
- § 93:23 Motion for judgment in accordance with motion for directed verdict or for new trial—Another form
- § 93:24 Motion for judgment in accordance with motion for directed verdict where no verdict returned
- § 93:25 Motion for judgment notwithstanding the verdict or for new trial
- § 93:26 Motion for judgment notwithstanding verdict or for new trial—Another form
- § 93:27 Motion for judgment notwithstanding the verdict or for new trial—Another form
- § 93:28 Motion for judgment notwithstanding the verdict or for new trial—Another form

CHAPTER 94. ARGUMENT AND INSTRUCTIONS TO JURY

A. ARGUMENT TO JURY

- § 94:1 Argument to jury—In general

TABLE OF CONTENTS

B. INSTRUCTIONS TO JURY

- § 94:3 Instructions to jury—In general
- § 94:4.10 Instruction on post-verdict juror communication *[New]*
- § 94:8 Objections to requests for instructions
- § 94:10 Plaintiff's request for instructions—Contract claim—
Superior Court Model Jury Instructions *[New]*
- § 94:11 Instructions on Contract Defenses- Superior Court Model
Jury Instructions *[New]*
- § 94:12 Instructions on General Negligence and Causation—
Superior Court Model Jury Instructions *[New]*
- § 94:13 Instructions on Medical Malpractice—Superior Court Model
Jury Instructions *[New]*
- § 94:14 Instructions on Personal Injury Damages—Superior Court
Model Jury Instructions *[New]*
- § 94:15 Instructions on Premises Liability—Superior Court Model
Jury Instructions *[New]*
- § 94:16 Instructions on Wrongful Death—Superior Court Model Jury
Instructions *[New]*

CHAPTER 95. FINDINGS BY THE COURT

- § 95:1 Findings by the court—In general
- § 95:3 Request for findings of fact and conclusions of law—District
Court and Boston Municipal Court—General form
- § 95:16 Motion by losing party for amended and additional findings of
fact

PART VIII. JUDGMENTS

CHAPTER 97. JUDGMENTS IN GENERAL

- § 97:1 Judgments—In general
- § 97:2 Judgment on jury verdict
- § 97:3 Judgment on findings by the court
- § 97:4 Motion for judgment on fewer than all claims
- § 97:8 Motion for supplemental order for determination under Mass.
R. Civ. P. 54(b)

CHAPTER 98. COSTS

- § 98:1 Costs—In general
- § 98:2 Attorney's fees—In general
- § 98:5 Motion for counsel fees, costs, and expenses under M.G.L.A. c.
231, § 6F

CHAPTER 99. DEFAULT JUDGMENTS

- § 99:1 Default judgment—In general
- § 99:2 Request for default pursuant to Mass. R. Civ. P. 55(a)
- § 99:4 Request for default pursuant to Mass. R. Civ. P. 55(a)—
District court
- § 99:5 Request for default pursuant to Mass. R. Civ. P. 55(a)—
Applicable to counterclaims and cross-claims

- § 99:7 Request for default judgment under Mass. R. Civ. P. 55(b)(1) and affidavit
- § 99:8 Request for default judgment under Mass. R. Civ. P. 55(b)(1) and affidavit—Another form
- § 99:10 Application/motion for default judgment by court
- § 99:11 Application/motion for default judgment by court—Another form
- § 99:12 Application for hearing for default judgment (Mass. R. Civ. P. 55(b)(2))
- § 99:13 Motion for judgment by default upon clerk's refusal to enter default
- § 99:14 Application/motion for default judgment—By defendant on counterclaim
- § 99:15 Application/motion for default judgment—By defendant on cross-claim
- § 99:16 Application/motion for default judgment—By third-party plaintiff
- § 99:17 Affidavit for application under Mass. R. Civ. P. 55(b)(2)
- § 99:17.50 Military affidavit *[New]*
- § 99:18 Application/motion for default judgment—Against minor, incompetent, or incapacitated person *[Retitled]*
- § 99:19 Notice of application for judgment by default (Mass. R. Civ. P. 55(b)(2))
- § 99:22 Motion to set aside entry of default
- § 99:29 Affidavit of compliance and plaintiff's entitlement to judgment—Mass. R. Civ. P. 55(b)(1) *[New]*
- § 99:30 Affidavit of address reverification upon request for default judgment—Mass. R. Civ. P. 55.1(d) *[New]*

CHAPTER 100. SUMMARY JUDGMENT

- § 100:1 Summary judgment—In general
- § 100:2 Motion for summary judgment by plaintiff
- § 100:3 Motion for summary judgment by plaintiff—Another form
- § 100:4 Motion for summary judgment by plaintiff—Another form
- § 100:5 Motion for summary judgment by plaintiff—Alternative form
- § 100:6 Cross-motion for summary judgment—By plaintiff
- § 100:7 Cross-motion for summary judgment—By plaintiff—Another form
- § 100:8 Motion by plaintiff for partial summary judgment
- § 100:8.50 Certificate of compliance with procedural order of the Business Litigation Session regarding partial dispositive motions *[New]*
- § 100:9 Motion for summary judgment by defendant
- § 100:10 Motion for summary judgment by defendant—Another form
- § 100:11 Motion for summary judgment by defendant—Another form
- § 100:12 Motion for summary judgment by defendant—Lack of personal jurisdiction
- § 100:13 Motion for summary judgment by defendant—Statute of limitations
- § 100:14 Motion for summary judgment by defendant—Statute of limitations

TABLE OF CONTENTS

§ 100:15	Motion for summary judgment—By defendant on counterclaim
§ 100:16	Motion for summary judgment—By defendant on cross-claim
§ 100:17	Motion for partial summary judgment by defendant
§ 100:18	Motion for partial summary judgment by defendant—Another form
§ 100:19	Motion based on affidavit in motion to dismiss
§ 100:20	Statement of material facts pursuant to Superior Court Rule 9A(b)(5)
§ 100:21	Affidavit in support of motion for summary judgment—General form
§ 100:23	Motion to continue hearing to obtain affidavit
§ 100:24	Motion for continuance—Affidavit not available
§ 100:25	Motion for continuance—Affidavit not available—Another form
§ 100:28	Opposition to motion for summary judgment and response to the moving party’s statement of facts and additional statement of material facts
§ 100:29	Affidavit opposing motion for summary judgment
§ 100:31	Motion for expenses—Affidavits made in bad faith

CHAPTER 101. DECLARATORY JUDGMENTS

§ 101:1	Declaratory judgments—In general
§ 101:2	Complaint for interpleader and declaratory relief—Life insurance policy
§ 101:3	Liability insurance contract
§ 101:18	Motion to dismiss action for declaratory judgment—No justiciable controversy

CHAPTER 102. ENTRY OF JUDGMENT

§ 102:1	Entry of judgment—In general
§ 102:9	Notice of entry of judgment
§ 102:10	Judgment on jury verdict
§ 102:11	Judgment on findings by the court

CHAPTER 103. NEW TRIALS AND AMENDMENT OF JUDGMENTS

§ 103:1	New trial—In general
§ 103:8	Motion for a new trial—Contrary to law
§ 103:9	Motion for a new trial—Excessive damages
§ 103:15	Plaintiff’s remittitur
§ 103:18	Additur
§ 103:21	Motion for a new trial—Misconduct of opposing party or counsel
§ 103:22	Motion for mistrial
§ 103:39	Motion to amend or alter judgment

CHAPTER 104. RELIEF FROM JUDGMENT OR ORDER

B. RELIEF FROM FINAL JUDGMENT

- § 104:7 Relief from judgment—Substantive grounds—In general
- § 104:8 Motion for relief from judgment—General form
- § 104:9 Motion for relief from default judgment
- § 104:10 Motion for relief from default judgment—Basic form
- § 104:11 Motion for relief from default judgment—Short form
- § 104:12 Motion to vacate default judgment
- § 104:13 Motion for relief from default judgment—Long form
- § 104:14 Motion to vacate—Mistake, inadvertence, surprise or excusable neglect—General form
- § 104:15 Motion to vacate judgment—Excusable neglect
- § 104:17 Motion to vacate—Newly discovered evidence
- § 104:20 Motion to vacate judgment—Newly discovered evidence—Another form
- § 104:21 Motion to vacate—Fraud or misconduct
- § 104:22 Motion for relief from judgment—Fraud or misconduct
- § 104:23 Motion for relief from void judgment
- § 104:24 Motion for relief from void judgment—Another form
- § 104:25 Motion to vacate void judgment—Lack of jurisdiction of person—And affidavit
- § 104:26 Motion for relief from judgment—Judgment released, discharged, or satisfied
- § 104:27 Motion for relief from judgment—Prior judgment reversed or vacated
- § 104:28 Motion for relief from judgment under Mass. R. Civ. P. 60(b)(6)
- § 104:29 Motion for relief from judgment under Mass. R. Civ. P. 60(b)(6)—Long form
- § 104:30 Motion for relief from judgment—Mass. R. Civ. P. 60(b)(6)—Fraud on court by third party

CHAPTER 105. STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

- § 105:1 Stay of proceedings to enforce a judgment—In general
- § 105:2 Motion for stay of execution—Pending disposition of motion for new trial
- § 105:3 Motion for stay of execution—Pending disposition of motion for new trial—Another form
- § 105:5 Motion for stay of proceedings pending disposition of motion for relief from judgment—Another form
- § 105:6 Motion for stay of execution—Pending disposition of motion for a judgment notwithstanding the verdict
- § 105:7 Motion for stay of proceedings—Pending disposition of motions after judgment
- § 105:8 Motion to suspend injunction pending appeal
- § 105:9 Motion to suspend injunction pending appeal—Short form
- § 105:10 Motion to suspend injunction pending appeal—Long form

TABLE OF CONTENTS

§ 105:12 Motion to vacate stay of execution

**PART IX. PROVISIONAL AND FINAL
REMEDIES AND SPECIAL
PROCEEDINGS**

CHAPTER 106. INJUNCTIONS

A. IN GENERAL

- § 106:1 Restraining orders and applications for preliminary injunctions—In general
- § 106:2 Verified complaint for injunctive relief
- § 106:3 Motion for temporary restraining order
- § 106:6 Motion to dissolve or modify temporary restraining order
- § 106:15 Motion for preliminary injunction

B. ACTIONS IN THE NATURE OF MANDAMUS

- § 106:19 Actions for mandatory injunctions—In general

**CHAPTER 107. SECURITY—PROCEEDINGS
AGAINST SURETIES**

- § 107:1 Security—Proceedings against security provider—In general
[Retitled]

CHAPTER 108. RECEIVERS

- § 108:1 Receivers—In general

CHAPTER 109. CIVIL CONTEMPT

- § 109:1 Civil contempt—In general
- § 109:2 Complaint in civil contempt proceeding

CHAPTER 110. DEPOSIT IN COURT

- § 110:1 Deposit in court—In general

CHAPTER 111. OFFER OF JUDGMENT

- § 111:1 Offer of judgment—In general

CHAPTER 112. EXECUTION

- § 112:1 Execution—In general

CHAPTER 114. LIENS

- § 114:1 Liens—In general
- § 114:2 Complaint—Attorney's lien
- § 114:6 Complaint to establish mechanic's lien for materials furnished
- § 114:7 Complaint to establish lien under M.G.L.A. c. 254, § 31

CHAPTER 115. REPLEVIN

§ 115:2 Equitable action to recover engagement ring

CHAPTER 116. ARBITRATION

§ 116:1 Arbitration—In general

§ 116:2 Motion or application to proceed with arbitration

§ 116:7 Motion or application for stay of arbitration

§ 116:13 Motion to confirm arbitration award and for judgment

§ 116:18 Motion to confirm labor arbitration award and for judgment

§ 116:35 Motion to vacate—Bias of arbitrator

§ 116:36 Motion to vacate award—Excess of authority

§ 116:40 Motion to vacate labor arbitration award—Excess of
authority

CHAPTER 117. REPORT OF A CASE AND APPEALS

§ 117:3 Notice of appeal—Superior Court

§ 117:4 Motion to extend time to file notice of appeal—Superior Court

Table of Laws and Rules

Table of Cases

Index