

**PROPOSED AMENDMENT TO
MASSACHUSETTS SUPERIOR COURT
RULE 29- COVER SHEET; STATEMENT AS TO DAMAGES**

Delete current Rule 29(5):

5. Power of the Court.

~~(a) Should it appear from the statement or statements of damages filed as provided above, or from any subsequent amendments thereto, that there is no reasonable likelihood that recovery will exceed twenty-five thousand dollars (\$25,000) if the plaintiff prevails, then the court of its own motion, without prior notice to the parties, shall transfer the action for trial as provided in sub-paragraph (c) below.~~

~~(b) Should it appear to the court during the hearing of any motion or other pre-trial event of any nature whatsoever that there is no reasonable likelihood, notwithstanding the representations made in any statement of damages, that recovery will exceed twenty-five thousand dollars (\$25,000) then the court of its own motion, after advising counsel of the same and affording a summary hearing thereon, may transfer the action for trial as provided in sub-paragraph (c) below.~~

~~(c) An action shall be transferred pursuant to this rule (i) to the court from which such action was previously removed, if any; (ii) if such action was originally entered in the Superior Court to any District Court, including the Boston Municipal Court, in which it could have been brought under the provisions of G. L. c. 223, § 2; or (iii) as directed by the Chief Administrative Justice.~~

Replace with:

5. Power of the Court.

Should it appear from the statement(s) of damages filed as provided above, or from any subsequent amendments thereto, that there is no reasonable likelihood that recovery by the plaintiff will exceed twenty-five thousand dollars (\$25,000), then the court, after receiving written responses from the parties and after a hearing, if requested by any party, may dismiss the case, in which case the clerk shall proceed as provided in G. L. c. 212, § 3A.