

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

RODERICK L. IRELAND

Chief Justice

1. Court Submitting Rules for Approval:

Superior Court

2. Date Rules Submitted for Approval:

August 2, 2012

3. Date Approved and Promulgated by the Supreme Judicial Court:

October 24, 2012

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Amendment to Superior Court Rule 9A as attached.

New Superior Court Rule 30B as attached.

Effective date: January 1, 2013

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)

Changes to Superior Court Rule 9A(b)(5)(ii) and (iv)

Rule 9A. Civil Motions

...

(b) Procedure for Serving and Filing Motions.

...

(5) Summary Judgment Motions.

...

(ii) An opposition to a motion for summary judgment shall include a response to the moving party's statement of facts as to which the moving party claims there is no genuine issue to be tried. To permit the court to have in hand a single document containing the parties' positions as to material facts in easily comprehensible form, ~~in preparing this response~~ the opposing party shall reprint the moving party's statement of material facts and shall set forth a response to each directly below the appropriate numbered paragraph, **including, if the response relies on opposing evidence, page or paragraph references to supporting pleadings, depositions, answers to interrogatories, responses to requests for admission, affidavits, or other evidentiary documents.** Where the obligation to send the statement of material facts in electronic form has been excused, the response to the statement of material facts may be in a separate document. For purposes of summary judgment, the moving party's statement of a material fact shall be deemed to have been admitted unless controverted as set forth in this paragraph.

...

(iv) An opposing party, with the response to the moving party's statement of facts, may assert an additional statement of material facts with respect to the claims on which the moving party seeks summary judgment, each to be supported with page or paragraph references to supporting pleadings, depositions, answers to interrogatories, responses to requests for admission, affidavits, or other evidentiary documents. Such an additional statement shall be a continuation of the opposing party's response described in Paragraph (b)(5)(ii), with an appropriate heading, and shall not be a separate document. In addition to the service specified in Paragraph (b)(2) of this rule, where the party opposing summary judgment includes such an additional statement in its response, the response, including the additional statement, also shall be sent in electronic form by email to the moving party, unless excused as provided in Paragraph (b)(5)(i). The moving party shall respond to the opposing party's additional statement of material facts within the time prescribed by Paragraph (b)(2)(B) **and in the manner required by Paragraph (b)(5)(ii)**, resulting in a single document for the court's consideration, unless the obligation to send the additional statement of material facts in electronic form has been excused. For purposes of summary judgment, the opposing party's additional statement of a material fact shall be deemed to have been admitted unless controverted as set forth in this paragraph.

Proposed effective date of changes to **Superior Court Rule 9A(b)(5)(ii) and (iv)** is January 1, 2013.