

COMMONWEALTH OF MASSACHUSETTS

Supreme Judicial Court

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty-sixth day of November, in the year of two thousand and nineteen:

present,

<u>RALPH D. GANTS</u>)	Chief Justice
)	
)	
<u>BARBARA A. LENK</u>)	
)	
)	
<u>FRANK M. GAZIANO</u>)	Justices
)	
)	
<u>DAVID A. LOWY</u>)	
)	
)	
<u>KIMBERLY S. BUDD</u>)	
)	
)	
<u>ELSPETH B. CYPHER</u>)	
)	
)	
<u>SCOTT L. KAFKER</u>)	

ORDERED: That the Massachusetts Rules of Civil Procedure adopted by order dated July 13, 1973, as amended, to take effect on July 1, 1974, are hereby amended as follows:

Rule 55

By striking Rule 55(b)(4) and inserting in lieu thereof the following Rule 55(b)(4):

Affidavit Required. Notwithstanding the foregoing, no judgment by default shall be entered until the filing of an

affidavit made by any competent person, on the affiant's own knowledge, setting forth facts showing whether or not the defendant is in military service or, if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service, as set forth in the "Servicemembers Civil Relief Act," 50 U.S.C. §§ 3901 et seq., except upon order of the court in accordance with the Act.

The amendment accomplished by this order shall take effect on March 15, 2020.

ORDERED:

<u>RALPH D. GANTS</u>)	Chief Justice
)	
)	
<u>BARBARA A. LENK</u>)	
)	
)	
<u>FRANK M. GAZIANO</u>)	Justices
)	
)	
<u>DAVID A. LOWY</u>)	
)	
)	
<u>KIMBERLY S. BUDD</u>)	
)	
)	
<u>ELSPETH B. CYPHER</u>)	
)	
)	
<u>SCOTT L. KAFKER</u>)	