

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.

Kimberly S. Budd  
Chief Justice

- 
1. Court Submitting Rules for Approval:

Superior Court

2. Date Rules Submitted for Approval:

April 8, 2025

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

August 25, 2025

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

Amendment to Superior Court Rule 9A: Civil Motions, as  
described in the enclosed letter dated April 8, 2025 from  
Chief Justice Michael D. Ricciuti.

5. Effective Date:

September 15, 2025

(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.)



**THE TRIAL COURT OF MASSACHUSETTS  
SUPERIOR COURT**

Suffolk County Courthouse  
Three Pemberton Square, 13<sup>th</sup> Floor  
Boston, MA 02108

**Michael D. Ricciuti**  
Chief Justice

**Elaina M. Quinn**  
Deputy Court Administrator

---

April 8, 2025

Hon. Frank M. Gaziano  
Chair of the Rules Committee  
Supreme Judicial Court  
John Adams Courthouse, Suite 2200  
One Pemberton Square  
Boston, MA 02108

**RE: Request to Amend Superior Court 9A: Civil Motions**

Dear Justice Gaziano:

I submit for approval by the Supreme Judicial Court a proposal to amend Superior Court Rule 9A: Civil Motions. The amendment brings Rule 9A(b) into conformance with Mass. R. Civ. P. 5 and 6, as amended in 2023. Specifically, Rule 9A(b)(1)(iii), which required the parties to agree to receive service electronically, is deleted, leaving electronic service to be governed by Mass. R. Civ. P. 5(b). Also, Rule 9A(b)(3) clarifies that the three-day extension period of Mass. R. Civ. P. 6(d) applies to papers served electronically.

The justices of the Superior Court preliminarily approved this proposal at the Court's Business Meeting on December 6, 2024. The proposal was published for comment on the Superior Court's website and through Massachusetts Lawyers Weekly, on December 10, 2024. The Court set a deadline of January 31, 2025, for submitting comments. The Superior Court Rules and Forms Committee reviewed comments and recommended adoption of the proposed amendment with one minor change: specifying email as a type of permissible electronic service, consistent with the language of Mass. R. Ci. P. 6(d). At the Court's spring education conference, on April 4, 2025, the justices voted to submit the amendment to the SJC for approval.

The Superior Court requests that the SJC approve this proposed amendment **effective June 15, 2025**. I would be happy to discuss any questions you may have or provide any additional information. Thank you for your consideration.

Very truly yours,

Michael D. Ricciuti

cc: Chief Justice Heidi E. Brieger  
Hon. Claudine A. Cloutier, Chair, Superior Court Rules and Forms Committee  
Christine Burak, Esq., Secretary of the Rules Committee

## Superior Court Rule 9A. Civil Motions

\* \* \* \*

### **(b) Procedure for Serving and Filing Motions.**

#### **(1) Service.**

(i) General: All Motion Papers, Oppositions, and Replies must be served on all parties and filed with the clerk in accordance with the procedure set forth in this Paragraph (b). Compliance with this Paragraph shall constitute compliance with the “reasonable time” provisions of the first sentence of Mass. R. Civ. P. 5(d)(1).

(ii) When Service on Non-Parties is Required: Papers must be served on specifically named non-parties in compliance with this Rule if (a) the Motion seeks to add the non-party as a party to the case; (b) the Motion seeks an order or other relief against the non-party; (c) the issues affect the personal information or other interests of the non-party. The non-party need not be served, however, if excused by a court order issued in advance for cause or if a statute or rule expressly authorizes ex parte relief.

~~(iii) Electronic Service: Motion and opposition papers may be served entirely electronically if the parties agree in writing to the method of service and the electronic format. The parties should note on their filings “served via email” so that scanned signatures are accepted by the court, except that all papers signed under penalties of perjury must bear original signatures when filed with the clerk. The agreement may be revoked only upon 10 days written notice to all parties. All 9A certifications must be filed in hard copy with original written signatures.~~

\* \* \* \*

(3) *Time Periods in General.* The time periods prescribed below apply unless a different time period is set by statute or order of the court. Where papers are served by mail, e-mail, or otherwise electronically as permitted by law or rule, these time periods are extended by 3 days in accordance with Mass. R. Civ. P. 6(d).