

COMMONWEALTH OF MASSACHUSETTS
Supreme Judicial Court

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

present,

<u>KIMBERLY S. BUDD</u>)	
)	Chief Justice
)	
<u>FRANK M. GAZIANO</u>)	
)	Justices
)	
<u>SCOTT L. KAFKER</u>)	
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)	
<u>DALILA ARGAEZ WENDLANDT</u>)	
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)	
<u>SERGE GEORGES, JR.</u>)	
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)	
<u>ELIZABETH N. DEWAR</u>)	
)	
)	
<u>GABRIELLE R. WOLOHOJIAN</u>)	

ORDERED: That the Massachusetts Rules of Appellate Procedure,
as amended by order effective March 1, 2019, are
hereby amended as follows:

Rule 4 By deleting Mass. R. A. P. 4(a) and inserting in lieu
thereof the following Mass. R. A. P. 4(a):

(a) Appeals in Civil Cases.

(1) Time for Filing a Notice of Appeal.

(A) Generally. In a civil case, unless otherwise
provided by statute, the notice of appeal

required by Rule 3 shall be filed with the clerk of the lower court

(i) within 30 days of the date of the entry of the judgment, decree, appealable order, or adjudication appealed from; but

(ii) if the Commonwealth or an officer or agency thereof is a party, the notice of appeal may be filed by any party within 60 days of such entry, except

(iii) in child welfare cases, in which the notice of appeal shall be filed within 30 days from the date of the entry of the judgment, decree, appealable order, or adjudication.

(B) Mistaken Filing in the Appellate Court. If a notice of appeal is mistakenly filed in an appellate court, the clerk of such appellate court shall note the date on which it was received and transmit it to the clerk of the lower court from which the appeal was taken and it shall be deemed filed in such lower court on the date so noted.

(C) Multiple Appeals. If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within 14 days of the date on which the first notice of appeal was filed, or within 14 days of when the first notice becomes effective pursuant to Rule 4(a)(2)(B), or within the time otherwise prescribed by this rule, whichever period last expires.

(2) Effect of Postjudgment Motion.

(A) Applicable Motions. If a motion is made or served in a timely manner under the Massachusetts Rules of Civil Procedure and filed with the lower court by any party, the time to file an appeal runs for all parties from the entry of the order disposing of the last remaining motion:

(i) for judgment under Rule 50(b);

(ii) under Rule 52(b) to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted;

(iii) to alter or amend a judgment under Rule 59 or for relief from judgment under Rule 60(b), however titled, but only if either motion is served within 10 days after entry of judgment; or

(iv) under Rule 59 for a new trial.

(B) Notice of Appeal Filed Before Disposition of Motions. If a party files a notice of appeal from an underlying judgment, decree, appealable order, or adjudication before the court disposes of any motion listed in Rule 4(a)(2)(A), the notice becomes effective—but only as to such judgment, decree, appealable order, or adjudication—upon the entry of the order disposing of the last such remaining motion.

(C) Appeal After Disposition of Postjudgment Motion. A party intending to challenge an order disposing of any motion listed in Rule 4(a)(2)(A), or a judgment's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice of appeal, within the time prescribed by this Rule measured from the entry of the order disposing of the last such remaining motion.

Rule 4 By deleting the last sentence of Mass. R. A. P. 4(d) and inserting in lieu thereof the following sentence:

If such party files the first notice of appeal in a civil case under Rule 4(d), the 14-day period provided in Rule 4(a)(1)(C) for another party to file a notice of appeal runs from the date when the lower court enters the first notice, or the date when the first notice becomes effective pursuant to Rule 4(a)(2)(B), or the date otherwise prescribed by this rule, whichever is later.

Rule 9 By deleting Mass. R. A. P. 9(e)(1)(A)(iii) and inserting in lieu thereof the following Mass. R. A. P. 9(e)(1)(A)(iii):

(iii) the expiration of the time for filing any other notice of appeal after the filing of a first notice of appeal, pursuant to Rule 4(a)(1)(C) or 4(d); or

The amendments accomplished by this order shall take effect on October 1, 2025.

ORDERED:

<u>KIMBERLY S. BUDD</u>)	
)	Chief Justice
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<u>FRANK M. GAZIANO</u>)	
)	Justices
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