

# E-Filing Instructions for 9A Package and for Summary Judgment

## How to Submit a 9A Motion Package and the Order of Documents when Electronically Filing through eFileMA.com

Civil motions e-filed in the Superior Court generally must comply with Superior Court Rule 9A. Below, you will find two checklists, one for standard motion filings and one specifically for summary judgment motions. When preparing a 9A package for electronic filing, all documents must appear in the order they appear on the applicable checklist below.

NOTE: Rule 9A(d) states exceptions to the Rule 9A requirements. Exceptions include emergency motions, ex parte motions, motions for special process server, and motions filed by incarcerated parties. An emergency motion or ex parte motion may be denied without prejudice to its being refiled in compliance with Rule 9A.

(NOTE: The procedure for Summary Judgment motions is addressed after the Standard Procedure for Civil Motions.)

### STANDARD PROCEDURE FOR CIVIL MOTIONS

| If filing:   | Select eFileMA Filing Code: |
|--|-----------------------------|
| <input type="checkbox"/> Motion  | Motion - other              |
| <input type="checkbox"/> Memorandum in Support   | Memorandum (options)        |
| <input type="checkbox"/> Affidavit(s) in Support   | Affidavit                   |
| <input type="checkbox"/> Opposition(s) to Motion (if any)                                | Opposition                  |
| <input type="checkbox"/> Memorandum(s) in Opposition (if any opposition)                 | Memo                        |
| <input type="checkbox"/> Affidavit(s) in Opposition (if any opposition)                  | Affidavit                   |
| <input type="checkbox"/> Reply to Opposition (if any)                                    | Reply                       |
| <input type="checkbox"/> Cross-Motion(s) (if any)  | Motion (other)              |
| <input type="checkbox"/> Memorandum(s) in Support of Cross-Motion (if any Cross-Motion)  | Memorandum                  |
| <input type="checkbox"/> Affidavit(s) in Support of Cross-Motion (if any Cross-Motion)   | Affidavit                   |
| <input type="checkbox"/> Oppositions to Cross-Motion (if any Cross-Motion)               | Opposition                  |
| <input type="checkbox"/> Memorandum(s) in Opposition (if any opposition to Cross-Motion) | Memorandum                  |

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|                          |   |                           |
|--------------------------|---|---------------------------|
| <input type="checkbox"/> | Affidavit(s) in Opposition (if any opposition to Cross-Motion)  | Affidavit                 |
| <input type="checkbox"/> | Reply to Opposition to Cross-Motion (if any)  | Reply/Sur-reply           |
| <input type="checkbox"/> | A Superior Court Rule 9C(a) Certificate, confirming that the parties conferred in person or by telephone in a good-faith effort to narrow subjects of disagreement, or did not confer despite reasonable efforts. Except for motions filed under Rule 9A(d), a Certificate is required for all other motions, including any dispositive motion filed under Rule 12 of the Massachusetts Rules of Civil Procedure. See Rule 9C(b). For any motion concerning a discovery dispute involving responses to interrogatories, requests for admissions, or the production of documents, a brief is required presenting the text of the interrogatory or request, the opponent's response, and an argument. See Rule 9C(c). | Certificate/Certification |
| <input type="checkbox"/> | 9A Affidavit (if any party who has appeared in the case has not filed an opposition)  | Affidavit                 |
| <input type="checkbox"/> | Request(s) for hearing/oral argument  | Request                   |
| <input type="checkbox"/> | Notice of Filing  | Notice                    |
| <input type="checkbox"/> | List of Documents   | Notice                    |
| <input type="checkbox"/> | Certificate of Service  | Certificate               |

### SUMMARY JUDGMENT PROCEDURE

| <b>If filing:</b>   | <b>Select eFileMA Filing Code:</b> |
|---|------------------------------------|
| <input type="checkbox"/> Motion   | Motion                             |
| <input type="checkbox"/> Memorandum in Support  | Memorandum                         |
| <input type="checkbox"/> Affidavit(s) in Support  | Affidavit                          |
| <input type="checkbox"/> Opposition (if any)  | Opposition                         |
| <input type="checkbox"/> Memorandum in Opposition (if any opposition)   | Memorandum                         |
| <input type="checkbox"/> Affidavit(s) in Opposition (if any opposition)   | Affidavit                          |
| <input type="checkbox"/> Reply to Opposition (if any)   | Reply/Sur-reply                    |
| <input type="checkbox"/> Statement of Material Facts: <b>ONE DOCUMENT, CONSECUTIVELY NUMBERED</b> ( <i>including all opposing parties' responses to each separately numbered fact; including all opposing parties' additional statement(s) of material fact (if any); including all material facts that apply to any cross-motion for summary judgment (if any)</i> ) | Statements/Response                |

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|                          |   |                           |
|--------------------------|---|---------------------------|
| <input type="checkbox"/> | Cross-Motion(s) (if any)  | Motion                    |
| <input type="checkbox"/> | Memorandum(s) in Support of Cross-Motion(s) (if any Cross-Motion)   | Memorandum                |
| <input type="checkbox"/> | Affidavit(s) in Support of Cross-Motion(s) (if any Cross-Motion)  | Affidavit                 |
| <input type="checkbox"/> | Oppositions to Cross-Motion (if any)  | Opposition                |
| <input type="checkbox"/> | Memorandum(s) in Opposition (if any opposition to Cross-Motion)   | Memorandum                |
| <input type="checkbox"/> | Affidavit(s) in Opposition (if any opposition to Cross-Motion)  | Affidavit                 |
| <input type="checkbox"/> | Reply to Opposition to Cross-Motion (if any)  | Reply/Sur-reply           |
| <input type="checkbox"/> | A Superior Court Rule 9C(a) Certificate, confirming that the parties conferred in person or by telephone in a good-faith effort to narrow subjects of disagreement, or did not confer despite reasonable efforts. Counsel shall discuss whether the moving party should not make any motion that would qualify for a decision without a hearing, under Rule 9A(b)(5)(vi). See Rule 9C(b). | Certificate/Certification |
| <input type="checkbox"/> | List of Exhibits  | Exhibits/Appendix         |
| <input type="checkbox"/> | Joint Appendix of Exhibits  | Exhibits/Appendix         |
| <input type="checkbox"/> | 9A Affidavit (if any party who has appeared in the case has not filed an opposition)  | Affidavit                 |
| <input type="checkbox"/> | Notice of Filing  | Notice                    |
| <input type="checkbox"/> | List of Documents   | Notice                    |
| <input type="checkbox"/> | Certificate of Service  | Certificate/Certification |

### **CONCLUSION**

Not every document listed in the checklists may be necessary for your filing purposes. But please be mindful of these requirements in particular:

1. If a motion is opposed, the filing shall include:
  - A. The motion
  - B. Memorandum in support
  - C. Affidavit in support
  - D. The opposition motion
  - E. Memorandum in support
  - F. Affidavit in support
  - G. List of documents
  - H. Notice of filing
  - I. Certificate of service
2. A 9A Affidavit is required when any party who has appeared in the case has not filed an opposition.
3. A Rule 9C(a) Certificate is required for any motion concerning a discovery dispute involving responses to interrogatories, requests for admissions, or the production of documents, and a brief is required presenting the text of the interrogatory or request, the opponent's response, and an argument. See Rule 9C(c)