

**PROPOSED AMENDMENTS TO
MASSACHUSETTS SUPERIOR COURT
RULE 9A- CIVIL MOTIONS**

I. **Delete current Rule 9A(a)(3):**

~~(3) *Reply and Sur-reply Memoranda.* A reply memorandum may be filed only with leave of court. Such leave must be sought within 5 days of service of a memorandum in opposition. A reply memorandum shall be limited to addressing matters raised in the opposition that were not and could not reasonably have been addressed in the moving party's initial memorandum. In view of the limitations upon a reply memorandum, a sur-reply is strongly disfavored and may not be filed without leave of court sought within 5 days of service of the reply. To request leave of court, a party shall send a letter to the Session Judge setting forth the grounds to support the request and shall serve the letter on all other parties. If leave is granted, the requesting party shall serve notice of the grant of leave with its reply memorandum or sur-reply.~~

Replace with:

(3) *Reply and Sur-Reply Memoranda.* Where the opposition raises matters that were not and could not reasonably have been addressed in the moving party's initial memorandum, the moving party may file a reply memorandum not to exceed five typed double-spaced pages, which shall be limited to addressing such matters. No other reply or surreply shall be allowed without leave of court, which is strongly disfavored. To request leave of court, a party shall address a short request (not more than one double-spaced page and captioned as a pleading) directly to the Session Clerk, ATTN: Session Judge setting forth the grounds to support the request and shall serve the request on all other parties.

II. **Add to Rule 9A(b)(2), fifth sentence, "any reply up to five pages" so that the sentence reads:**

. . . Upon receipt of the opposition and associated documents, if any, the moving party shall attach the original of the opposition and associated documents, and **any reply up to five pages**, to the original motion and associated documents and within 10 days shall file with the clerk the combined documents ("the Rule 9A package"), unless . . .

III. **Add as a new penultimate sentence to Rule 9A(b)(5)(ii):**

"Upon filing of a consolidated Rule 9A(b)(5) statement, the parties' original 9A(b)(5) statement and response should not be filed."