

COMMONWEALTH OF MASSACHUSETTS

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

present,

<u>HON. RALPH D. GANTS</u>)	Chief Justice
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<u>HON. FRANCIS X. SPINA</u>)	
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<u>HON. ROBERT J. CORDY</u>)	Justices
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<u>HON. MARGOT BOTSFORD</u>)	
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<u>HON. FERNANDE R.V. DUFFLY</u>)	
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<u>HON. BARBARA A. LENK</u>)	
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<u>HON. GERALDINE S. HINES</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 1	By deleting the second sentence of the first paragraph and replacing it with the following new sentence: They should be
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construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

Rule 1 By making the third sentence of the first paragraph a new paragraph.

Rule 34 By deleting subdivision (b) (2) (C) and replacing it with the following new subdivision (b) (2) (C) :

(b) (2) (C) Producing the documents or electronically stored information. Unless otherwise stipulated or ordered by the court, these procedures apply to producing documents or electronically stored information:

(i) A party shall produce documents as they are kept in the usual course of business or shall organize and label them to correspond to the categories in the request;

(ii) The producing party may produce copies of the documents, including by electronic means, provided that, if requested, the producing party affords all parties a fair opportunity to verify the copies by comparison with the originals.

(iii) If a request does not specify a form for producing electronically stored information, a party shall produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms; and

(iv) A party need not produce the same electronically stored information in more than one form.

Rule 34 By deleting paragraph (c) and replacing it with the following new paragraph (c) :

(c) Persons Not Parties.

(1) This rule does not preclude an independent action against a person not a party for production of documents and things and permission to enter upon land.

(2) As provided in Rule 45, a nonparty may be compelled to produce documents and tangible things or to permit an inspection.

The amendments accomplished by this order shall take effect
on August 1, 2016.

ORDERED:

<u>RALPH D. GANTS</u>)	Chief Justice
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<u>FRANCIS X. SPINA</u>)	
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<u>ROBERT J. CORDY</u>)	Justices
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<u>MARGOT BOTSFORD</u>)	
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<u>GERALDINE S. HINES</u>)	