

Standing Order Concerning Petitions to the Single Justice Pursuant to G. L. c. 231, sec. 118 (First Paragraph) or Rule 12(a) of the Uniform Rules on Impoundment Procedure

(a) Contents of Petition for Relief; Form. A petition for relief pursuant to G. L. c. 231, §118 (first paragraph), or Rule 12(a) of the Uniform Rules on Impoundment procedure, shall include, in the following order:

- (1) a request for review, which shall state briefly the nature of the order or action of the trial court from which review is sought, the entry date of such order or action, and the name of the judge who entered it;
- (2) a statement of the issues of law raised by the petition;
- (3) a statement as to whether a party has filed, served, or intends to file a motion for reconsideration in the trial court;
- (4) a statement of the specific relief requested; and
- (5) an addendum containing a copy of the order or action of the trial court (a draft order for the single justice may be attached).

References to the parties in the petition shall be by designation of the party in the trial court (e.g., "plaintiff," "defendant," "third-party defendant," etc.). The petition shall not exceed five pages of text compliant with Mass.R.A.P. 20[a][1]-[3] without leave of the court.

(b) Supporting Memorandum of Law and Record Appendix. The petition shall, unless otherwise ordered, be accompanied by a memorandum of law (not to exceed fifteen pages of text compliant with Mass.R.A.P. 20[a][1]-[3] unless leave of the court has been obtained) in support of the petitioner's position, with citations to appropriate authorities and a statement addressing why relief is appropriate. The argument shall make reference to those portions of the record which are directly relevant to the issues raised by the petition. Relevant portions of the record shall be filed as a record appendix, and include a current copy of the trial court docket entries and all relevant papers filed in the trial court, including those filed by the other party or parties. The record appendix shall be consecutively numbered starting with the cover or first page as page 1 followed by a table of contents that lists each document contained therein and the page on which it appears. Only those pleadings, exhibits, and papers which were before the trial court when the order appealed from was entered, and which are necessary for an adjudication of the issues raised, may be submitted.

(c) Opposition; Form. Within seven days (ten days if the petitioner's certificate of service required under [d] hereof shows service by first-class mail) after the filing of the petition, or such other time as the court may direct, the other party or parties to the case may, but need not, file and serve an opposition thereto (not to exceed fifteen pages of text compliant with Mass.R.A.P. 20[a][1]-[3] unless leave of court has been obtained) setting forth reasons why the petition should not be granted. The opposition shall not restate matters contained in the petition unless the opposing party is dissatisfied with the statement thereof contained in the petition. The opposition may be accompanied by a supplemental record appendix containing such additional

portions of the record as were before the trial court and are necessary for adjudication, and which the petitioner failed to include in its record appendix.

(d) Filing; Service. The petition, memorandum, record appendix, and any subsequently filed opposition and supplemental record appendix, shall be filed electronically if the filing party is represented by counsel. Self-represented litigants may file electronically, or may file a single paper original or duplicate in the office of the Clerk of the Appeals Court. Any document required to be e-filed may be filed on paper upon allowance of a motion to waive the e-filing requirement, preferably filed in advance or with the document. The motion must contain a showing of undue hardship, significant prejudice, exigency, or other good cause.

Whether filed electronically or on paper, all filings shall include a certificate of service on all other parties in the case, including the service and filing of a copy in the appropriate trial court clerk's office from which the matter arose. The certificate of service shall set forth the name, address, email address, and telephone number of counsel or other persons upon whom service has been made, and specify the date and manner of service. The certificate of service shall identify the name of each party represented by counsel and specify the counsel who represents each party.

Service may be personal, by first class mail, or electronically with the consent of the person served. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by first class mail is complete on mailing. Registration for and use of the electronic filing system constitutes consent to electronic service, and such service is complete upon e-filing.

(e) Impounded or confidential information. In any case in which the trial court entered an order impounding, sealing, or excluding from public access all or any portion of the trial court records, or there is material or information in a party's petition, addendum, opposition, or any appendix that is automatically impounded or deemed confidential by statute or court rule, the parties shall comply with Mass.R.A.P. 16(d), 16(m), and 18(g). The parties shall comply with Supreme Judicial Court Rule 1:24, Protection of Personal Identifying Information in Publicly Accessible Court Documents in all filings to the Appeals Court.

(f) Hearing. The single justice has discretion to determine whether a hearing shall be held.

Adopted effective September 1, 1989, with strict enforcement delayed until March 1, 1990. Amended effective January 1, 2002; amended effective June 1, 2011. Amended September 24, 2015, effective October 1, 2015. Amended September 28, 2016, effective November 1, 2016. Amended _____, effective _____, 2018.