



THE COMMONWEALTH OF MASSACHUSETTS

Appellate Tax Board

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**STANDING ORDER 1-16
MOTIONS FOR SUMMARY JUDGMENT**

For all motions for summary judgment and motions under 831 CMR 1.22 filed on and after January 1, 2017 in Commissioner of Revenue and Formal real estate appeals, it is hereby ordered that:

1. A motion for summary judgment or motion under 831 CMR 1.22 may be filed no later than thirty days prior to the date set, if any, for the hearing on the merits of any appeal;
2. The moving party moving shall file with the motion and serve on the non-moving party: (1) a brief statement of the applicable law; and (2) affidavits and/or copies of those portions of deposition transcripts, pleadings, admissions, or other documents that show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law;
3. If the moving party is relying on facts based on requests or demands for admissions, the moving party must provide proof of compliance with the filing and notice requirements of G.L. c. 231, § 69;
4. The non-moving party shall have 21 days from the date of service to file with the Board and serve on the moving party an opposition, together with any affidavits or other documents that support a denial of the motion;
5. In the alternative, the non-moving party may also file a cross-motion for summary judgment, which shall be subject to the same requirements as the original motion for summary judgment;
6. The Board will schedule the hearing of the motion;
7. This Standing Order modifies paragraph 3 of Standing Order 2-15 but has no effect on submission of appeals on briefs under 831 CMR 1.31.

ORDERED ACCORDINGLY

APPELLATE TAX BOARD

By:


Thomas W. Hammond, Jr., Chairman

Attest:


Clerk of the Board

Date:

(Seal) DEC 06 2016