


Third-Party Summons	CIVIL DOCKET NO.	<div>Trial Court of Massachusetts The Superior Court</div> <div></div>
CASE NAME: <div>VS. Plaintiff(s)</div> <div>VS. Defendant(s) and Third-Party Plaintiff(s)</div> <div>Third-Party Defendant(s)</div>		<div>Clerk of Courts County</div>
		COURT NAME & ADDRESS:

THIS SUMMONS IS DIRECTED TO _____ (Third-Party Defendant's name)

You are being sued. The Third-Party Plaintiff(s) named above has started a lawsuit against you. A copy of the Third-Party Complaint filed against you is attached to this Summons, and the original Third-Party Complaint has been filed in the _____ Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days.

If you do not respond, the Court may decide the case against you and award the Third-Party Plaintiff everything asked for in the Complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Third-Party Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.** A copy of the original Plaintiff's Complaint is also attached, which you may but are not required to respond to.

2. How to Respond.

To respond to this lawsuit, you must file a written response with the Court and mail copies to the Third-Party Plaintiff's attorney (or the Third-Party Plaintiff, if unrepresented) and to the original Plaintiff's attorney (or the Plaintiff, if unrepresented). You can do this by:

a) Filing your **signed original** response with the Clerk's Office for Civil Business, _____ Court (address), by mail, in person, or electronically through the web portal www.eFileMA.com if the Complaint was e-filed through that portal, **AND**

b) Delivering or mailing **copies** of your response to the Third-Party Plaintiff's attorney/Third-Party Plaintiff and to the original Plaintiff's attorney/Plaintiff at the following addresses:

Third-Party Plaintiff's attorney/Third-Party Plaintiff's Address
Original Plaintiff's attorney/Original Plaintiff's Address

3. What to Include in Your Response.

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Third-Party Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in Court. If you have any claims against the Third-Party Plaintiff (referred to as "counterclaims") that are based on the same facts or transaction described in the Third-Party Complaint, then you must include those claims in your Answer.

3. (cont.) Otherwise, you may lose your right to sue the Third-Party Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Court no more than 10 days after sending your Answer.

Another way to respond to a Complaint is by filing a "Motion to Dismiss," if you believe that the Complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Rule 12 of the Massachusetts Rules of Civil Procedure**. If you are filing a Motion to Dismiss, you must follow the filing rules for "Civil Motions in Superior Court," available at:

www.mass.gov/law-library/massachusetts-superior-court-rules

4. Legal Assistance.

You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.

5. Required Information on All Filings.

The "Civil Docket No." appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Third-Party Defendant."

Witness Hon. _____, Chief Justice on _____, 20____. (Seal)

Clerk _____

Note: The docket number assigned to the original Complaint by the Clerk should be stated on this Summons before it is served on the Third-Party Defendant(s).

PROOF OF SERVICE OF PROCESS

I hereby certify that on _____, I served a copy of this Third-Party Summons, together with copies of the Third-Party Complaint and the original Complaint in this action, on the Third-Party Defendant named in this Summons, in the following manner (See Rule 4(d)(1-5) of the Massachusetts Rules of Civil Procedure):

Dated: _____

Signature: _____

N.B. TO PROCESS SERVER:

PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE THIRD-PARTY DEFENDANT IN THIS BOX - BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE THIRD-PARTY DEFENDANT.

Date: