

THIRD-PARTY SUMMONS

DOCKET NO. _____

**Massachusetts
Trial Court
Superior Court**_____
PLAINTIFF(S)

v. _____

DEFENDANT(S) / THIRD-PARTY PLAINTIFF(S)

v. _____

THIRD-PARTY DEFENDANT(S)CLERK OF
COURTS

COUNTY

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

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

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**1. You must respond to this lawsuit in writing within 21 days.**

If you do not respond, the Court may decide the case against you and award the Third-Party Plaintiff(s) everything requested 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(s). **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 a copy to the Third-Party Plaintiff(s)' attorney, or the Third-Party Plaintiff(s) if they are not represented by a lawyer, and the original Plaintiff(s)' attorney, or the Plaintiff(s) if they are not represented by a lawyer. You can do this by:

- a) Filing your **signed original** response with the Clerk's Office for Civil Business, _____ Superior Court, by mail, in-person, or electronically through the web portal **www.eFileMA.com** if the Complaint was e-filed through that portal; or
- b) Delivering or mailing a copy of your response to the Third-Party Plaintiff(s)' attorney, or the Third-Party Plaintiff(s) if they are not represented by a lawyer, and the original Plaintiff(s)' attorney, or Plaintiff(s) if they are not represented by a lawyer, at the following addresses: Third-Party Plaintiff(s)' attorney / Third-Party Plaintiff(s): _____;

Original Plaintiff(s)' attorney / Original Plaintiff(s): _____

3. What to Include in Your Response.

An "Answer" is one type of response to this Third-Party Complaint. Your Answer must state whether you agree or disagree with the facts 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(s), called counterclaims, that are based on the same facts or events described in the Third-Party Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Third-Party Plaintiff(s) 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 this Third-Party Complaint is by filing a "Motion to Dismiss," if you believe that the Third-Party Complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Massachusetts Rules of Civil Procedure, Rule 12**. 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 find or afford legal help, some basic information for self-represented litigants is available at: www.mass.gov/courts/selfhelp.

5. Required Information on All Filings.

The "DOCKET NO." appearing at the top of this Summons is the unique 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 "Third-Party Defendant."

Witness: Hon. Michael D. Ricciuti, Chief Justice, on this date, _____. (Seal)

Clerk: _____.

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

PROOF OF SERVICE OF PROCESS

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

_____.

DATE: _____ Signature: _____

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 THIRD-PARTY SUMMONS SERVED ON THIRD-PARTY DEFENDANTS.

DATE: _____

SAMPLE