

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

PROCEDURAL ORDER OF THE BUSINESS LITIGATION SESSION
REGARDING PARTIALLY DISPOSITIVE MOTIONS

While permitted by rule, motions that are addressed to the disposition of some but not all of the claims or issues on behalf of or against a party in a case consume substantial amounts of the Court's and the parties' time and resources but often do not substantially reduce the length of the litigation or trial.

Accordingly, prior to serving and filing a motion for partial summary judgment, a motion to dismiss, or for judgment on the pleadings addressed to some but not all of the claims, counterclaims or cross claims, or any other dispositive motion that addresses fewer than all of the claims or issues as to a party in a case, the moving party shall confer with all other parties concerning the benefits and costs of such a motion, its scope and effect on the balance of the litigation, and the time needed to prepare, argue and decide the motion. *No such partially dispositive motion shall be served until after a status conference with the Court, which will be scheduled by the clerk at the request of the moving party.* The purpose of the conference is to discuss the proposed filing of the motion and whether its presentation to and disposition by the Court will materially and substantially advance or reduce the scope of the litigation. The Court will decide at that conference whether to permit such a motion and, if so, will develop a schedule with the parties for filing and hearing the motion.

This procedural order shall apply to all cases accepted into the Business Litigation Session (BLS), including but not limited to pending motions in cases originally filed outside of the BLS but later transferred to the BLS. In that instance, the parties must still comply with this procedural order and refile the pending motion in the BLS, if appropriate.

The moving party shall file, as part of the motion package, a separate document entitled "Certificate of Compliance" that details the steps taken by the parties to comply with this procedural order.

The Court need not consider or schedule a hearing on any partially dispositive motion that fails to comply with the requirements of this procedural order.



Janet L. Sanders
Justice of the Superior Court
Administrative Justice of the
Business Litigation Session

Dated: March 1, 2019
(Amending Procedural Orders dated August 1, 2012 and June 1, 2015)