

Guidance on Serving Time-Sensitive Initial Pleadings, Complaints, and Summonses in Cases Against State Agencies or Officials on the Attorney General's Office During the COVID-19 Stay-at-Home Advisory Period.

As a consequence of the COVID-19 pandemic and the current stay-at-home advisory issued by Governor Baker, the Attorney General's Office ("AGO") has moved largely to a remote work environment with only a very small number of staff physically present in the office. This is part of an effort by the AGO to comply with the advisory and protect both its staff and the general public.

Ordinarily, to serve a complaint and summons in a lawsuit against the Commonwealth or a state agency, Rule 4(d)(3) of the Massachusetts Rules of Civil Procedure requires "delivering a copy of the summons and of the complaint to the Boston office of the Attorney General of the Commonwealth, and, in the case of any agency, to its office or to its chairman or one of its members or its secretary or clerk." The Rule allows that service may be made by "mailing such copies to the Attorney General and to the agency by certified or registered mail."

Under the current circumstances, the AGO advises that in-hand service of process on the AGO pursuant to Mass. R. Civ. P. 4(d)(3) is not feasible given the minimal staffing levels in the office and the inaccessibility of the building to the general public. Instead, the AGO advises that the most efficient way to serve the AGO (as well as any Commonwealth agency) and/or the Attorney General with a new complaint and summons is by certified or registered mail in accordance with Mass. R. Civ. P. 4(d)(3).

Additionally, the AGO has established the email address below to receive service of emergency or time-sensitive court filings pertaining to lawsuits against the Commonwealth, its agencies, or officials. Submission to this email address is **not** intended to supersede the service requirements of Mass. R. Civ. P. 4 (which, as indicated above, can be accomplished through certified or registered mail). However, emailing copies of complaints and summonses in new matters, as well as any motions or filings requesting that a court hear a case or a motion as an "emergency" matter, to the email address below will help to ensure a more timely response from the Commonwealth.

For "non-emergency" matters and motions pertaining to ongoing cases, all other motions, filings or pleadings should be served in the normal course, as provided by the applicable rules and/or as allowed by the current Court Orders issued in response to COVID-19 addressing the same.

The electronic mail address for receipt of courtesy copies of emergency motions and new complaints is: agoemergencyfilings@mass.gov