{{p include\_docx\_template('include\_CaseCaption.docx',caption\_title ='',caption\_subtitle='Motion to Intervene of ' + tenant.name.full() ) }}

{{ tenant.name }} (hereinafter, “Proposed Intervenor”) moves this Court for an order allowing them to intervene in the instant summary process action as a Defendant pursuant to Mass. R. Civ. P. 24 (a) (2) and /or Mass. R. Civ. P. 24 (b) (2). The Proposed Intervenor also requests that:

* 1. That the Court grant them leave to obtain discovery.
  2. {%p if not court\_is\_housing\_court and transfer\_to\_housing\_court %}
  3. That the Court grant them leave to transfer the action to the {{ transfer\_court\_name }}
  4. {%p endif %}

In support of this Motion the Proposed Intervenor states the following:

1. Plaintiff brought the instant summary process action seeking possession of the property located at {{ premises\_address }} (hereinafter “the premises”) against the named Defendant(s) only.

2. The Proposed Intervenor has lived in the premises since {{ facts.tenant\_movein }}.

3. The Proposed Intervenor claims an interest relating to the property which is the subject matter of this action, inasmuch as they are a tenant or lawful occupant of the premises and the premises are their home. The disposition of this action may as a practical matter impede or impair their ability to protect their interest. The following factors support the Proposed Intervenor’s claim that they should be allowed to intervene in this action:

{{ intervention\_reason }}

4. If the Proposed Intervenor is not permitted to intervene in this action there will be no way for them to protect their rights and they (and other members of their household, where applicable) will lose their home.

# The Proposed Intervenor’s interest is not adequately protected by the named Defendant(s) because:

{{ intervention\_harm }}

6. Permissive intervention under Mass. R. Civ. P. 24 (b) is also appropriate inasmuch as the instant action and any subsequent eviction brought against the Proposed Intervenor would involve the same issues of law and fact.

7. With respect to defenses to this action:

* 1. The Proposed Intervenor’s proposed Answer is attached.
  2. The Proposed Intervenor has meritorious defenses as set forth in the attached Proposed Answer.

8 In addition, the Proposed Intervenor is requesting the following:

* 1. That the Court grant them leave to obtain discovery, and continue the trial date a reasonable period of time to permit the Proposed Intervenor to get responses to them discovery requests. The Proposed Intervenor’s proposed Discovery is attached. There is “good cause” for the Proposed Intervenor to obtain Discovery prior to trial.
  2. That the Court grant them leave to transfer the action to the Housing Court Department. Were the Proposed Intervenor named as a Defendant, they would have had the right to transfer this action as of right by filing a Notice of Transfer prior to the trial date. M.G.L. c. 185C, § 20 authorizes transfer in other cases for “good cause”, and such good cause exists here.

9 The Proposed Intervenor therefore requests this court permit them to intervene in this action as a Defendant, and grant them such other relief as is otherwise outlined in this motion.

{{ include\_docx\_template("include\_SignatureBlock.docx") }}

VERIFICATION

The Proposed Intervenor states that all facts asserted herein are true and correct and based on the Proposed Intervenor’s own personal knowledge, any documents attached hereto are true and correct copies, and the Proposed Intervenor is competent to testify as to the factual matters stated herein.

Signed under penalty of perjury {{ today() }}.

{{ tenant.signature }}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Proposed Intervenor)