COMMONWEALTH OF MASSACHUSETTS

TRIAL COURT

|  |  |  |
| --- | --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_, ss |  | \_\_\_\_\_\_\_\_\_\_\_ COURT DEPARTMENT  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DIVISION  DOCKET NO: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| PLAINTIFF |  |  |
| vs. |  | Motion to Intervene of  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (With Additional Optional Requests for Leave to Transfer and/or for Leave to Do Discovery, as Applicable) |
| DEFENDANT |  |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter, “Proposed Intervenor”) moves this Court for an order allowing her 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 [check if applicable]:

❑ That the Court grant her leave to obtain discovery (see below).

❑ That the Court grant her leave to transfer the action to the Housing Court Department (see below).

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter “the premises”) against the named Defendant(s) only .

2. The Proposed Intervenor has lived in the premises since \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

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

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

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

4. If the Proposed Intervenor is not permitted to intervene in this action there will be no way for him/her to protect her rights and s/he (and other members of his/her household, where applicable) will lose his/her home.

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

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

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

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

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 *[check all that apply]*:

❑ The Proposed Intervenor’s proposed Answer is attached.

❑ The Proposed Intervenor has meritorious defenses to this action as follows, and a more formal Answer will be filed with the Court promptly after the motion is allowed:

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

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

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

8 *[Optional]*. In addition, the Proposed Intervenor is requesting the following *[check all that apply]*:

❑ That the Court grant her leave to obtain discovery, and continue the trial date a reasonable period of time to permit the Proposed Intervenor to get responses to her discovery requests. The Proposed Intervenor’s proposed Discovery is attached. There is “good cause” for the Proposed Intervenor to obtain Discovery prior to trial.

❑ That the Court grant her leave to transfer the action to the Housing Court Department. Were the Proposed Intervenor named as a Defendant, she 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 her to intervene in this action as a Defendant, and grant her such other relief as is otherwise outlined in this motion.

Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Respectfully submitted,

I hereby certify that a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

true copy of the above (Proposed Intervenor)

document was served upon Address:

Plaintiff (or Attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

if represented) by mail on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_ (date). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature)

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 this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_.

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

(Proposed Intervenor)