# Motion to Dismiss Non-Essential Eviction Instructions: Next Steps

### You need to get your motion to the court and the plaintiff. Giving a copy to the plaintiff is “service.”

# Serve {{ other\_parties }}

{{ other\_parties }} is the plaintiff.

If the plaintiff has a lawyer you can:

* **Mail** the plaintiff’s lawyer a copy of your signed motion at their lawyer's address, or
* **Email** the plaintiff’s lawyer, or
* **Deliver** it to the lawyer's office.

If the plaintiff does not have a lawyer you can:

* **Mail** the plaintiff a copy of your signed motion at {{ other\_parties[0].address }} or
* **Ask the plaintiff if they will “accept service by email.”** If they say yes, email the motion to them.

# File your motion

There are 3 ways to file your motion with the court.

### Email

* Call the court clerk at {{ courts[0].phone }}.
* Ask them if you can email them your motion.
* If they say no, try EFileMA.com or get a paper copy of the motion to the court.

### EFileMA.com

* You can e-file with “EFileMA.com.
* To learn how, watch these videos:   
  [MassLegalHelp.org/housing/evictions-efilema](https://www.masslegalhelp.org/housing/evictions-efile-tyler)
* You need to set up an account before you can e-file.

### File your paper motion

If you file a paper motion, you can mail it to the courthouse or you **may** be able to drop it off at the courthouse:

* Make 2 copies of the signed motion.
* Mail the original to the court at {{ courts[0].address }} or,
* Call the court clerk at {{ courts[0].phone }} and ask if you can bring the motion to the courthouse.

# After you file

The court will call you and send you a notice to schedule a hearing. The hearing will probably be over the phone or by video call.

# What should I do to prepare for my motion hearing?

* Before the hearing, write out why the plaintiff is wrong and you should not be evicted.
* Bring documents and witnesses that help you prove your case.
* If your hearing is over the phone or by video call, see [the court's guide to virtual hearings](https://www.mass.gov/info-details/guide-to-virtual-hearings#how-to-get-ready-if-your-virtual-hearing-is-by-zoom-): mass.gov/info-details/guide-to-virtual-hearings#how-to-get-ready-if-your-virtual-hearing-is-by-zoom-