COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

{{ housing\_court }} HOUSING COURT DOCKET NO. {{ lower\_court\_case.docket\_number }}

{% if not is\_initial\_filing %} APPEALS COURT DOCKET NO. {{ appeals\_court\_docket\_number }} {% endif %}

PLAINTIFF(S)

{{ plaintiff\_name}}

v.

DEFENDANT(S)

{{ defendant\_name }}

motion to stay eviction pursuant to mass. R. A. p. 6 (a)

{%p if forty\_eight\_hour\_notice %}

I WASSERVed WITH a 48-hour notice from a constable or sheriff. the eviction is scheduled to occur on {{ eviction\_date }} at {{ eviction\_time }} and a copy of the 48-hour notice is attached.

{%p else %}

I HAVE NOT RECEIVED A 48-HOUR NOTICE.

{%p endif %}

1. I am requesting a stay of the Housing Court’s judgment entered on {{ lower\_court\_case.judgment\_date }} which awarded possession of the premises to the plaintiff. The judgment was entered by Judge {{ lower\_court\_case.judge }}.

{%p if not no\_notice\_of\_appeal\_filed %}

1. I filed a Notice of Appeal in the Housing Court on {{ date\_notice\_of\_appeal\_filed }}.

{%p endif %}

1. Prior to filing in the Appeals Court, I filed a motion for a stay in the Housing Court. On {{ date\_housing\_court\_denied\_motion\_to\_stay }}, the judge denied my motion. The judge’s order states: {{ housing\_court\_denying\_order\_text }}.
2. The issues of law that I raise in this motion are:

{{ legal\_issues.true\_values() }}  
{{ fix\_punctuation(showifdef(‘other\_legal\_issues’)) if defined(‘other\_legal\_issues’) else ‘’ }}

1. I am asking for an order from a single justice that:

{{ fix\_punctuation(relief\_sought) }}

1. I have attached a copy of the judgment, my notice of appeal, the Housing Court’s order denying my motion for a stay, and the 48-hour notice, if received.

{%p if i == "final" %}

{{ users[0].signature }}

{%p endif %}

{{ format\_date(today()) }}

{{ users[0].name }}

{{ users[0].address.block() }}

{{ users[0].phone\_numbers() }}

{{ showifdef('users[0].email') }}

CERTIFICATE OF SERVICE

Pursuant to Mass. R.A.P. 13 (d), I hereby certify under the penalties of perjury, that I have served or will serve the attached motion and supporting materials upon the attorney of record for each party, or if the party has no attorney then I made service directly on the self-represented party by {{ method\_of\_service }} to the following person(s) at the following physical or email address(es): {{ parties\_to\_be\_served }}. I have made or will make service on {{ service\_date }}.

Signed under the penalties of perjury,

{%p if i == "final" %}

{{ users[0].signature }}

{%p endif %}

{{ format\_date(today()) }}

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{{ defendant\_name }}

MEMORANDUM IN SUPPORT OF MOTION TO STAY PURSUANT TO MASS. R. A. P. 6(A)

1. Statement of the Case:

{{ fix\_punctuation(procedural\_history) }}

1. Statement of Facts:

{{ fix\_punctuation(statement\_of\_facts) }}

1. Likelihood of Success on the Merits of Appeal:

{{ fix\_punctuation(likelihood\_of\_success) }}

1. Irreparable Harm If Stay is Not Granted:

{{ fix\_punctuation(defendant\_harm) }}

1. Harm to the landlord/purchaser if stay is granted:

{{ fix\_punctuation(plaintiff\_harm) }}

1. Harm to the public interest:

{% if public\_interest\_harm\_yesno %}{{ fix\_punctuation(public\_interest\_harm) }}{% else %}None.{% endif %}

1. Conclusion:

{{ fix\_punctuation(argument\_summary) }}

{%p if i == "final" %}

{{ users[0].signature }}

{%p endif %}

{{ format\_date(today()) }}

{%p if has\_evidence %}

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RECORD APPENDIX

(Please attach all relevant documents from you Housing Court case and provide a list here)

1. {%p for exhibit in exhibits %}
2. {{ exhibit.filename }}
3. {%p endfor %}

{%p endif %}