

MOTION FOR SUMMARY JUDGMENT

COMMONWEALTH OF MASSACHUSETTS

[COUNTY NAME] SUPERIOR COURT

CIVIL ACTION NO. [CASE NUMBER]

Marsel Hoxha,

Plaintiff,

v.

Hoxha Marsel,

Defendant.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

NOW COMES the Defendant, [DEFENDANT NAME], by and through undersigned counsel, and respectfully moves this Honorable Court, pursuant to **Massachusetts Rule of Civil Procedure 56**, for an order granting **summary judgment** in favor of the Defendant and against the Plaintiff on all claims asserted in the Complaint.

INTRODUCTION

The Defendant seeks summary judgment because there is no genuine issue of material fact in dispute, and the Defendant is entitled to judgment as a matter of law. The undisputed facts demonstrate that [*briefly state the key reason summary judgment should be granted*].

STATEMENT OF MATERIAL FACTS

Pursuant to **Mass. R. Civ. P. 56** and Superior Court Rule 9A, the Defendant submits the following statement of material facts as to which there is no genuine issue to be tried:

ARGUMENT

I. STANDARD OF REVIEW

Summary judgment is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." **Mass. R. Civ. P. 56(c)**; *Cassesso v. Comm'r of Corr.*, 390 Mass. 419, 422 (1983).

The moving party bears the initial burden of demonstrating the absence of a genuine issue of material fact. *Pederson v. Time, Inc.*, 404 Mass. 14, 16-17 (1989). Once the moving party has met this burden, the non-moving party must set forth specific facts showing that there is a genuine issue for trial. *Kourouvacilis v. General Motors Corp.*, 410 Mass. 706, 716 (1991).

A genuine issue of material fact exists where "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Carey v. New England Organ Bank*, 446 Mass. 270, 278 (2006). The court must view the evidence in the light most favorable to the non-moving party. *Attorney Gen. v. Bailey*, 386 Mass. 367, 370 (1982).

II. [FIRST LEGAL ARGUMENT - STATE SUBSTANTIVE GROUND FOR SUMMARY JUDGMENT]

A. [Subpoint One]

[Present first substantive legal argument with supporting citations. Example structure:]

The undisputed facts establish that [legal conclusion]. Under Massachusetts law, [state the applicable legal standard]. *[Case citation]*, [volume] Mass. [page], [specific page] ([year]).

Here, [apply the facts to the law]. The evidence demonstrates that [factual analysis]. *(See Statement of Material Facts, ¶¶ [numbers]).*

B. [Subpoint Two]

[Continue with additional subpoints as necessary, following the same structure of legal standard followed by factual application.]

III. [SECOND LEGAL ARGUMENT IF APPLICABLE]

A. [Subpoint One]

[Present second substantive legal argument. This might address an alternative ground for summary judgment, such as:]

B. [Subpoint Two]

[Continue analysis as needed.]

IV. [THIRD LEGAL ARGUMENT IF APPLICABLE]

[Continue with additional grounds for summary judgment as appropriate to your case.]

CONCLUSION

For the foregoing reasons, and based upon the undisputed material facts and applicable law, there is no genuine issue of material fact requiring trial. The Defendant is entitled to judgment as a matter of law on all claims asserted by the Plaintiff.

WHEREFORE,

the Defendant respectfully requests that this Honorable Court:

CERTIFICATE OF SERVICE

I hereby certify that on this **16th day of November, 2025**, a true and accurate copy of the foregoing Motion for Summary Judgment was served upon all counsel of record via [electronic filing/first-class mail/hand delivery]:

[Plaintiff's Attorney Name]

[Law Firm Name]

[Street Address]

[City, State ZIP]

Respectfully submitted,

[DEFENDANT NAME]

By his/her attorney,

[Attorney Name]

[BBO # if applicable]

[Law Firm Name]

[Street Address]

[City, State ZIP]

[Telephone Number]

[Email Address]

Dated: November 16, 2025

SUPPORTING DOCUMENTS TO BE FILED

The following documents are submitted in support of this Motion:

Note: This motion must be accompanied by a memorandum of law and supporting documentation pursuant to Superior Court Rule 9A and Mass. R. Civ. P. 56. The motion should be served at least 30 days before the hearing date, and the opposing party has 10 days from service to file an opposition.