

LITIGATION FORMS LIST

The ProDoc Massachusetts Litigation volume offers nearly 400 procedural and substantive forms, many of which are derived from the Massachusetts Practice Series™. The volume was developed with the editorial assistance of Massachusetts Practice Series authors, Prof. Marc G. Perlin and Harry P. Carroll, and litigation practitioner, Beth Levenson.

The Litigation volume provides wide-ranging guidance for any litigation case, beginning with client intake and pre-suit investigation, all the way through trial, settlement, and post-judgment collection.

FFEE AGREEMENTS

Contingent Fee Agreement
Flat Fee Agreement
Hourly Fee Agreement
Acknowledgment of Attorney Fee Sharing Agreement

CLIENT INTAKE

Client Information Sheet - Personal Injury
Client Information Sheet - General

RELEASES

Consent for Release of Confidential Health Care Information (HIPAA)
Client's Authorization for Employment Records
Consent for Release of Information - Social Security (SSA-3288)
Release - Authorization to Obtain Insurance Information

CLIENT CORRESPONDENCE

Letter to Potential Client - follow up after phone conference
Letter Declining Representation - Optional Release
Letter to New Client
Letter to Client - Status Report, Request for Info
Letter to Client - Insurer's Medical Exam
Letter to Client - Preparing for Claim - with damages questionnaire
Letter to Client - Urging Continued Treatment with Doctor
Letter to Client - Hiring Economist
Letter to Client - Requesting Authority to File Suit
Letter to Client - Requesting Witnesses
Letter to Client - Recommending Against Settlement
Letter to Client - Recommending For Settlement
Letter to Client - Trial Date
Letter to Client - Enclosure - Sign and Return
Letter to Client - Scheduling Appointment
Letter to Client - Informational Disclosure - Documents
Letter to Client - Request for Telephone Conference
Letter to Client - Nonpayment Disengagement
Letter to Client - Notice of Attorney Lien
Letter to Client - Recommending Mediation
Letter to Client - Availability of ADR
Letter to Client (shell)

INFORMATION GATHERING

Employer's Statement of Lost Wages
Application for Hospital Records - Superior Court
Order for Inspection and Copies of Hospital Records (MA Super Ct)
Letter - Request for Statement from Witness
Witness Evaluation Form
Dept Industrial Accidents File Request
IRS Form 4506 - Request for Copy of Tax Return

PHYSICIAN CORRESPONDENCE

Letter to Physician - Requesting Medical Records
Letter to Physician - Request Info re Duration of Disability, Restrictions
Letter to Physician - Request Information Regarding Potential Surgery
Letter to Physician - Request MRI Films, X-Rays, CATS for Review by Expert
Letter to Physician - Request Final Narrative Report
Letter to Physician - Request Compromise on Bill
Letter to Physician - Confirming Zero Balance
Letter to Physician - Requesting Completion of Report from Insurance Co
Letter to Military Hospital - Amount of Lien, Request for Records

GENERAL CORRESPONDENCE

Letter to Clerk - Enclosure(s) - General
Letter to Clerk - Complaint
Letter to Clerk - Return of Service
Letter to Clerk - Affidavit of Notice re Medical Records
Letter to Opposing Counsel - Medical Treatises to be Used at Trial
Letter to Opposing Counsel - Enclosure - General
Letter to Opposing Counsel - Extending Time to File
Letter to Opposing Counsel - Intent to Offer Medical Records
Letter to Deputy Sheriff
Letter to Witness - Testimony at Trial
Letter to Witness - Thank You for Testimony
Letter to US Postal Service - Seeking Forwarding Address (FOIA)
Letter to Attorney - Referral of Case

INITIAL PLEADINGS

Civil Action Cover Sheet (MA Super Ct)
Complaint (shell)
Answer
Demand for Jury Trial
Statement of Damages (MA Dist Ct)
Counterclaim
Reply to Counterclaim
Motion for Leave to File Counterclaim
Order on Motion for Leave to File Counterclaim
Motion for Leave to Amend Pleading
Order on Motion for Leave to Amend Pleading
Motion to Strike Pleadings
Order to Strike Pleadings
Motion for More Definite Statement
Order on Motion for More Definite Statement
Motion for Judgment on the Pleadings
Order on Motion for Judgment on the Pleadings
Corporate Disclosure Statement
Uniform Counsel Certification - Alternative Dispute Resolution

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SERVICE OF PROCESS, NOTICE

Plaintiffs Motion for Order of Notice by Publication
 Order of Notice by Publication
 Affidavit of Service by Process Server
 Motion to Appoint Constable to Serve Process
 Order to Appoint Constable to Serve Process

INJUNCTION AND RESTRAINING ORDER

Application for Ex Parte Temporary Restraining Order
 Motion for Preliminary Injunction
 Preliminary Injunction
 Motion to Vacate or Modify Preliminary Injunction
 Order on Motion to Vacate or Modify
 Motion to Extend Temporary Restraining Order
 Order on Motion to Extend

PROCEDURAL MOTIONS**COURT ISSUES**

Entry of Appearance
 Motion for Leave to Withdraw as Counsel
 Order on Motion to Withdraw as Counsel
 Motion to Disqualify Opposing Counsel
 Order to Disqualify Attorney
 Notice of Withdrawal of Appearance
 Motion for Substitution
 Order for Substitution of Counsel
 Motion for Appointment of Guardian (Settlement of Claim by Minor)
 Order Appointing Guardian (Settlement of Claim by Minor)
 Stipulation for Reference to Master
 Objection to Court Appointed Master
 Order Appointing Master or Sustaining Objection
 Motion for Appointment of Interpreter
 Attorney Request for Two Mailing Addresses (MA Super Ct)
 Motion for Continuance
 Order for Continuance
 Motion to Enlarge Time - General
 Opposition to Motion to Enlarge Time
 Order for Enlargement of Time - general
 Suggestion of Bankruptcy
 Suggestion of Death

FORUM CHALLENGES

Motion to Transfer Venue
 Order to Transfer Venue
 Motion for Change of Venue Based on Local Prejudice
 Order for Change of Venue Based on Local Prejudice
 Motion to Dismiss - Lack of Personal Jurisdiction
 Order on Motion to Dismiss - Lack of Personal Jurisdiction
 Motion to Decline Jurisdiction - Forum Non Conveniens
 Order on Motion to Decline Jurisdiction - Forum Non Conveniens

DISPOSITIVE MOTIONS

Request for Default (MA Super Ct)
 Request for Default (MA Dist Ct)
 Request for Default Judgment (MA Dist Ct)
 Affidavit in Support of Request for Default
 Motion for Default Judgment
 Order for Default Judgment
 Motion for Summary Judgment
 Opposition to Motion for Summary Judgment
 Reply Affidavits and Evidence - Summary Judgment
 Motion to Strike Affidavit - Summary Judgment
 Order for Summary Judgment
 Motion for Entry of Separate and Final Judgment
 Order for Entry of Separate and Final Judgment
 Stipulation of Dismissal - Superior Court
 Stipulation of Dismissal (MA Dist Ct)
 Notice of Voluntary Dismissal - Superior Court

Notice of Voluntary Dismissal (MA Dist Ct)
 Military Affidavit (MA Super Ct)
 Military Affidavit (MA Dist Ct)

MOTION PRACTICE

Motion (Shell)
 Letter to Opposing Counsel - Sup Ct Rule 9A Motion
 Letter to Clerk - Sup Ct Rule 9A Package
 List of Documents - Sup Ct Rule 9A Package
 Certificate of Notice of Filing - Sup Ct Rule 9A Package
 Affidavit of Compliance - Sup Ct Rule 9A
 Affidavit of Notice - District Court
 Opposition to Motion (shell)
 Letter to Opposing Counsel - Opposition to Motion
 General Purpose Motion (MA Dist Ct)
 Motion for Reconsideration
 Certificate of Service
 Affidavit - Statement of Proper Service

MISCELLANEOUS MOTIONS

Motion for Order to File Paper
 Order to File Paper
 Motion to Stay Further Proceedings
 Order to Stay Further Proceedings
 Motion for Speedy Trial
 Order on Motion for Speedy Trial
 Motion to Strike Affidavit
 Order on Motion to Strike Affidavit
 Motion to Consolidate or Transfer Action
 Order to Consolidate or Transfer Action
 Motion to Sever or for Separate Trial
 Order on Motion to Sever or for Separate Trial
 Motion to Permit Act after Expiration of Period
 Order on Motion to Permit Act
 Motion to Change Track
 Order on Motion to Change Track
 Complaint for Contempt - Non Discovery
 Motion to Dismiss and Answer to Complaint for Contempt

DISCOVERY**INTERROGATORIES**

Interrogatories - General
 Final Request for Answers to Interrogatories
 Responses and Objections to Interrogatories
 Motion to Enlarge Time - Interrogatories
 Order for Enlargement of Time - Interrogatories
 Motion to Serve Additional Interrogatories
 Order to Serve Additional Interrogatories
 Request for Supplementation of Prior Responses
 Agreement of Parties to Supplement Responses
 Supplementary Response to Interrogatories
 Application for Final Judgment - Failure to Answer Interrogatories

PRODUCTION OF DOCUMENTS AND TANGIBLE THINGS

Request for Production
 Response and Objections to Requests for Production
 Subpoena Duces Tecum - Nonparty Discovery
 Motion to Compel - Failure to Answer Request for Production
 Order on Motion to Compel - Failure to Answer Request for Production
 Supplementary Response to Requests for Production
 Motion to Compel Further Responses
 Opposition to Motion to Compel Further Responses
 Order on Motion to Compel Further Responses
 Deposition on Written Questions - Custodian of Business Records
 Objections to Form of Written Questions

ADMISSIONS

Requests for Admission

Response to Requests for Admission
 Motion for Shorter or Longer Time - Requests for Admission
 Order on Motion for Shorter or Longer Time - Requests for Admission
 Motion for Order that Matter Be Deemed Admitted
 Order that Matter Be Deemed Admitted
 Motion to Withdraw or Amend Admission
 Order on Withdrawal or Amendment of Admissions

INSPECTION AND TESTING

Request for Inspection of Premises
 Response or Objection to Request for Inspection of Premises
 Motion to Compel - Inspection of Premises
 Order on Motion for Inspection of Premises
 Stipulation for Inspection of Premises
 Request to Permit Inspection and Testing of Tangible Things
 Motion to Compel - Inspection and Testing of Tangible Things
 Order on Motion for Inspection and Testing of Tangible Things
 Motion for Destructive Testing
 Order on Motion for Destructive Testing

EXAMINATION OF PERSON

Motion for Physical Examination
 Order on Motion for Physical Examination
 Motion for Mental Examination
 Order on Motion for Mental Examination
 Stipulation for Examination
 Letter to Client - Instructions Prior to Examination
 Motion for Delivery of Report of Examination
 Order on Motion for Delivery of Report

DEPOSITIONS

Notice of Taking Deposition
 Deposition Subpoena (Duces Tecum)
 Motion to Quash Deposition
 Order on Motion to Quash Deposition
 Motion for Leave to Take Deposition
 Order on Motion for Leave to Take Deposition
 Motion or Stipulation to Take Deposition by Audio-Visual Means
 Order to Take Deposition by Audio-Visual Means
 Motion to Terminate or Limit Deposition
 Order on Motion to Terminate or Limit Deposition
 Motion to Compel - Witness to Answer Deposition Question
 Order on Motion to Compel - Witness to Answer Deposition Question
 Motion to Resume Taking of Deposition
 Order on Motion to Resume Deposition
 Motion to Enlarge or Shorten Time for Taking Deposition
 Order on Motion to Enlarge or Shorten Time for Taking Deposition
 Application for Letters Rogatory or Deposition Outside State

PROTECTIVE ORDERS

Motion for Protective Order
 Motion for HIPAA Qualified Protective Order
 Opposition to Motion for Protective Order
 Protective Order
 Motion for Costs and Attorney's Fees in Opposing Protective Order
 Order on Motion for Costs and Attorney's Fees in Opposing Protective Order

SANCTIONS AND CONTEMPT - DISCOVERY

Motion for Sanctions under MRCP Rule 37
 Order for Sanctions under MRCP Rule 37
 Motion for Expenses for Opposing Motion under MRCP Rule 37
 Order on Motion for Costs Opposing Motion under MRCP Rule 37
 Motion for Contempt - Discovery
 Order for Contempt - Discovery

MISCELLANEOUS DISCOVERY

Mandatory Early Disclosure - Standing Order 1-04
 Request for Mandatory Early Disclosure Standing Order 1-04
 Request for Privilege Log

Privilege Log
 Joint Motion to Preserve the Confidentiality of Discovery Documents
 Joint Motion to Extend Time to Respond to Discovery
 Certificate of Compliance with Superior Court Rule 9C
 Application to Permit the Inspection and Copying of Criminal Records
 Order for Inspection and Copying of Criminal Records

DISCOVERY CORRESPONDENCE

Letter to Client - Discovery to Answer
 Letter to Client - Notify of Deposition & Instructions
 Letter to Client - Review, Correct and Sign Deposition
 Letter to Client - Deposition of Adverse Party or Other Witness
 Letter to Opposing Counsel - Reminder to Furnish Discovery
 Letter to Opposing Counsel - Prior to Motion to Compel
 Letter to Opposing Counsel - Review, Correct and Sign Deposition
 Letter to Opposing Counsel - Returning Deposition Errata Sheet
 Letter to Court Reporter - Schedule Deposition
 Letter to Court Reporter - Returning Deposition Errata Sheet
 Letter to Audio-Visual Operator - Set up Deposition
 Letter to Deponent - Review, Correct and Sign Deposition

EXPERT WITNESSES

Letter - Expert Witness - Initial Contact
 Letter - Expert Witness - Preparation for Deposition or Trial Testimony
 Expert Interrogatories
 Request for Production Regarding Experts
 Motion for Deposition of Expert
 Order for Expert Deposition
 Motion to Exclude Expert Witness (Daubert-Lanigan)
 Order to Exclude Expert Witness (Daubert-Lanigan)

ALTERNATIVE DISPUTE RESOLUTION

Demand for Arbitration
 Application to Compel Arbitration
 Motion to Dismiss Application to Compel Arbitration
 Agreement for Binding Arbitration (MA Super Ct)
 Joint Motion to Refer to Mediation
 Application for Appointment of Arbitrator
 Motion to Correct and Modify Award
 Order to Correct and Modify Award

TRIAL FILINGS AND MOTIONS

GENERAL TRIAL

Motion for Pre-Trial Conference
 Order on Motion for Pre-Trial Conference
 Certificate of Readiness for Trial
 Joint Pretrial Memorandum
 Waiver of Jury Trial
 Stipulation for Trial by Court
 Certification - Records of Regularly Conducted Business Activity
 Stipulations of Fact
 Motion in Limine, with Order
 Motion in Limine - Use of Criminal Records for Impeachment, with Order
 Trial Subpoena (Duces Tecum)
 Motion to Take Judicial Notice
 Order to Take Judicial Notice
 Motion to Preclude Witness
 Order to Preclude Witness
 Motion for Mistrial
 Order on Motion for Mistrial
 Motion to Use Deposition of an Aged, Infirm or Sick Witness
 Order to Use Deposition of an Aged, Infirm or Sick Witness
 Motion to Admit Audio-Visual Evidence
 Order to Admit Audio-Visual Evidence
 Motion to Confirm and Adopt Report
 Order to Confirm and Adopt Report
 Motion of Attorney for Leave to Testify
 Order for Attorney Leave to Testify

Motion to Permit Additional Attorney to Examine Witnesses
 Order on Motion to Permit Additional Attorney to Examine Witnesses
 Objections to Proposed Findings of Fact and Conclusions of Law
 Motion for Directed Verdict

JURY

Motion to Permit Jury to Take Notes, with Order
 Motion to Permit Jury to View Premises, with Order
 Motion to Prevent Improper Voir Dire, with Order
 Motion to Restore to Trial List, with Order
 Motion to Submit Juror Questionnaire, with Order
 Request for Jury Instructions
 Objections to Requests for Instructions
 Demand for Submission of Omitted Issues
 Motion to Frame Issues of Fact for Jury, with Order

SETTLEMENT

Offer of Judgment
 Notice of Acceptance of Offer of Judgment
 Letter to Opposing Counsel - Settlement Offer
 Letter to Opposing Counsel - Acceptance of Settlement Offer
 Letter to Opposing Counsel - Rejection of Settlement Offer with Counter
 Agreement for Judgment
 Settlement Agreement
 Release (Mutual or Unilateral)
 Disbursal Statement - Settlement Funds
 Letter to Client - Transmitting Final Payout

POST TRIAL

Motion for Attorney Fees and Costs
 Order on Motion for Attorney Fees and Costs
 Request for Findings of Fact and Rulings of Law - District Court
 Motion for New Trial
 Opposition to Motion for New Trial
 Order for New Trial
 Remittitur or Additur
 Motion by Losing Party for Amended and Additional Findings of Fact
 Motion for Relief from Judgment or Order
 Order for Relief from Judgment
 Motion to Remove Default
 Order on Motion to Remove Default
 Motion for Judgment Notwithstanding the Verdict or for New Trial
 Order for Judgment
 Motion to Correct Clerical Error
 Order to Correct Clerical Error
 Motion to Vacate Default Judgment
 Order to Vacate Default Judgment

MOTOR VEHICLE

CORRESPONDENCE - MOTOR VEHICLE

Letter to Local Police - Accident Report
 Damage Evaluation for Insurance Adjuster from Attorney
 Letter to Insurer - Client's Disability
 Letter to Insurer - Medical Bills
 Letter to Insurer - Notice of Claim
 Letter to Insurer - Initial Contact, No-Fault Application
 Letter to Insurer - Examination under Oath (EUO), Parameters
 Letter to Insurer - Case Update and Requesting Policy Limits
 Letter to Insurer - Prescriptions Claim
 Letter to Insurer - Requesting Payment to Medical Providers
 Letter to Insurer - Sending Wage and Salary Verification
 Letter to Insurer - Demand
 Letter to Insurer - Confirming Settlement
 Letter to Insurer - Enclosing Release

ARBITRATION - MOTOR VEHICLE

Demand for Arbitration - Uninsured Motorist
 Complaint to Compel Arbitration - Uninsured Motorist

Motion to Dismiss or Answer Complaint for Arbitration - Uninsured Motorist

PLEADING - MOTOR VEHICLE

Complaint - Vehicle Accident
 Complaint - Failure to Pay No-Fault Benefits

DISCOVERY - MOTOR VEHICLE

Interrogatories - Motor Vehicle Accident - Driver of Other Vehicle
 Requests for Production - Motor Vehicle Accident - Driver of other vehicle
 Request for Admissions - Motor Vehicle Accident - Driver of other vehicle
 Interrogatories - Motor Vehicle Accident - Insurance Adjuster
 Requests for Production - Motor Vehicle Accident - Insurance Adjuster

COLLECTIONS

Demand Letter
 UCC-1 - UCC Financing Statement
 UCC-1Ad - Financing Statement Addendum
 Complaint - To Recover Money Owed
 Motion for Attachment
 Order for Attachment
 Motion to Dissolve or Reduce Attachment
 Order to Dissolve or Reduce Attachment
 Motion for Trustee Process
 Order for Trustee Process
 Motion to Dissolve or Reduce Trustee Process
 Order to Dissolve or Reduce Trustee Process
 Application for Writ of Execution - Property
 Application for Writ of Execution - Money
 Application for Supplementary Process
 Acknowledgment of Satisfaction of Judgment (MA Dist Ct)
 Proof of Claim
 Interrogatories of Plaintiff in Aid of Execution