

I am facing a motion for summary judgment in Massachusetts, what is it and what should I do?

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A motion for summary judgment is a way a party to litigation moves (asks) a court to grant it judgment (they win) prior to a trial on the merits (where people testify in court, etc). It is typically filed after the discovery period of litigation has ended. That means it is filed after the parties have shared the documents and information (facts) they were required to according to the rules of civil procedure. The standard language that you will find in most motions for summary judgment is basic enough to relay what the motion is all about, that is usually something like this: summary judgment is appropriate as materials show that there is no genuine issue as to any material fact and the [plaintiff/defendant] is entitled to judgment as a matter of law. The procedural rule permitting a motion for summary judgment is Rule 56 of the Massachusetts Rules of Civil Procedure.

Overall, the other party is arguing that, based on the facts established, or at least not reasonably disputable, that if you applied the law to these facts, it would win. It is also saying that there is no reason for a trial and its concomitant time and expense. Of course, a judge would decide this motion as only a jury is assembled for a trial.

We will break down some of the parts. One part is that the moving party is saying that there is no “genuine” issue over material facts. It means that a party cannot dispute something based on a position or opinion that is too speculative or simply wishful thinking unsupported by the facts. It has been described “an issue of fact is ‘genuine’ if the record [facts established in case] taken as a whole could lead a rational trier of fact to find for the moving party.” Brooks v. Peabody & Arnold, LLP, 71 Mass. App. Ct. 46, 50 (2008). This means the judge will place himself in the position of a hypothetical “trier of fact” [which means either a judge or jury that would decide the matter at trial] and consider whether any rational fact finder could rule the other way. In other words, to allow the motion is to say, no reasonable person would think this fact is not established.

The other important question is whether all the “material” facts are established. This means that there could be a genuine dispute over a fact, but it is not a “material” fact. A moving party “need not prove that no factual disputes exist, only that there is no genuine dispute over a material fact.” Town of Norwood v. Adams-Russell Co, Inc., 401 Mas. 677, 683 (1988). The moving party is saying all the material facts, the facts that matter, are established. It has been described that a fact is material only if it might provide a basis for a fact finder to find in favor of the nonmoving party. Jenzabar, Inc. v. Long Bow Group, Inc., 82 Mass. App. Ct. 648, 649 (2012). It has also been described that a fact is material if it has a bearing on the outcome of the case. Jupin v. Kask, 447 Mass. 141, 145-46 (2006). There are many other important issues, such as timing and evidence, when facing a motion for summary judgment that must be addressed.

Simply put, a motion for summary judgment is serious business. If allowed, it will end the case or if it is a partial motion for summary judgment, decide at least a part of the case. If the motion is not allowed, a trial is necessary.

If you are facing a motion for summary, you are facing what could be the end of the road; essentially, it is now or never on whether you will obtain help. If you need help, feel free to give this office a call.

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