

HOUSE No. 2789

By Mr. Travaline of Somerville (by request), petition of the Mass. Trial Lawyers Assoc. for requiring notice to plaintiff before entry of judgment on pleadings and issuance of execution for costs. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Six.

AN ACT REQUIRING NOTICE TO PLAINTIFF BEFORE ENTRY OF JUDGMENT ON PLEADINGS AND ISSUANCE OF EXECUTION FOR COSTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 231 of the General Laws is hereby amended by
2 adding after section 58A the following section:—
3 *Section 58B.* Judgment shall not be entered, and costs shall
4 not be assessed or execution issued against the plaintiff in an
5 action of tort for failure to file any pleading under which
6 non-suit has been entered until the expiration of at least
7 thirty days after the defendant has given notice of said non-
8 suit and has filed an affidavit thereof. Said notice shall be
9 given by mailing the same postage prepaid, to the plaintiff
10 and his attorney, return receipt requested and said receipt
11 shall be affixed to an affidavit of compliance to be filed prior
12 to the entry of judgment.

