



Massachusetts Appeals Court

Notice Permitting Supplemental Memorandum in April 2020 Oral Argument Cases

- (a) **Overview.** In light of public health concerns arising from the COVID-19 pandemic, the Appeals Court cancelled oral arguments in all cases that had been scheduled for argument in April 2020 and deemed the cases submitted on the briefs previously filed. In lieu of the opportunity to present oral argument, the Appeals Court will accept, but does not expect or require, a supplemental memorandum filed by any party in a case that was previously scheduled for oral argument.
- (b) **Content.** The supplemental memorandum may be used to call to the attention of the panel points in a party's case that the party would have emphasized at oral argument. This includes the opportunity to narrow issues, highlight legal arguments, or emphasize specific facts in the record. Consistent with Mass. R. A. P. 16(c) and case law concerning reply briefs and oral argument, new issues may not be raised for the first time in the supplemental memorandum.
- (c) **Format.** The supplemental memorandum shall comply with the formatting requirements of Mass. R. A. P. 20(a)(1), (a)(4), and (b)(2). A cover, table of authorities, or table of contents are not required but a certificate of service is required. See Mass. R. A. P. 13(d). The supplemental memorandum shall not exceed 5 pages (if produced in a monospaced font) or 1,000 words (if produced in a proportionally spaced font).
- (d) **Deadline.** All parties (appellant and appellee) shall file and serve any supplemental memorandum pursuant to this notice on or before April 16, 2020. Leave of court is not required. This filing deadline is not tolled by the Supreme Judicial Court or Appeals Court orders and guidelines concerning COVID-19. The panels with cases from early April that have already been deemed submitted on brief have been notified of this notice and the possibility that supplemental memoranda will be filed.
- (e) **Electronic Filing.** The supplemental memorandum shall be electronically filed at eFileMA.com using the filing code "Response to Motion or Court Order." Parties are permitted to waive electronic filing fees for this filing by using a waiver account. See Appeals Court Standing Order Concerning Electronic Filing, paragraph (C)(4). A self-represented party who does not have access to electronic filing may file the supplemental memorandum by first-class mail or by email to AppealsCtClerk@appct.state.ma.us and serve a copy on all other parties.

By the Court, Mark V. Green, Chief Justice

/s/ Joseph Stanton, Clerk

Entered: April 3, 2020