**COMMONWEALTH OF MASSACHUSETTS**

**APPEALS COURT**

**Docket Number: 202 \_- P -\_ \_ \_ \_**



**First name(s) appearing in Appeals Court caption:**

**vs.**

**Second name(s) appearing in Appeals Court caption:**



**On Appeal From** **[Lower Court]**

**Informal Appellee Brief of [Your Name, the responding party]**



Date: [mm/dd/yyyy]

[Your name]:

[Your pronouns (optional)]:

[Your address]:

[Your phone number]:

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[Instructions: Please note the maximum page limit for filing an informal brief using this form is thirty (30) pages of double-spaced text in Courier, Courier New, or any other monospaced font, no smaller than 12-point (This form uses Courier New 12 point). Page 1 begins on this first page. PLEASE DELETE THIS INSTRUCTION FROM YOUR FINAL BRIEF.]

# Issues ON APPEAL (CLAIMS OF ERROR)

[Instructions: As the appellee, you do not have to re-list the issues the appellant raised in their brief to the Appeals Court unless you choose to list them or you disagree with what the issues the appellant (appealing party) raised and want to describe it differently, or you have entered a cross appeal. PLEASE DELETE THIS INSTRUCTION FROM YOUR FINAL BRIEF.]

# Case HISTORY

[Instructions: As the appellee, you do not need to give a case history unless you choose to provide one or you disagree with the case history stated in the appellant's brief. If you choose to provide a case history, you must include references to the page(s) in the appellant's record appendix or your supplemental record appendix where evidence of each statement can be found. If a document is included in the appellant's record appendix, you should not include it in your supplemental record appendix. Your supplemental appendix may include copies of documents you are referring to in your brief that are not in the appellant's record appendix. PLEASE DELETE THIS INSTRUCTION FROM YOUR FINAL BRIEF.]

# Statement of the Facts

[Instructions: As the appellee, you do not have to provide a statement of the facts related to the issues on appeal unless you choose to do so or you disagree with the statement of the facts that in the appellant's brief. If you state facts, each statement must be followed by a reference to the specific page or pages in the appellant's record appendix, transcript(s), or your supplemental record appendix where that fact can be found (Examples,"Apx at 25"; "Transcript 10/15/22 at p. 55"; "Exhibit #2 at p. 95").

The Appeals Court does not have to consider any fact that is not supported by a citation to evidence in the record appendix or transcript.

You must not include facts that were not presented to the trial judge or agency or cite generally to an entire document by its title or exhibit number without referring to specific page(s) of that document, unless the document or exhibit is a single page.

Do not refer to any party or individual by name if their identity has been impounded by statute, court rule, or court order. You are responsible to see if any information in your case must be automatically impounded or is confidential under a law or a court rule. For more information, see Section (c) (4) of the Informal Brief Guidance on impoundment and confidentiality. PLEASE DELETE THIS INSTRUCTION FROM YOUR FINAL BRIEF.]

# LEGAL Argument

[Instructions: Present your argument(s) why the Appeals Court should not overturn the decision of the trial court or agency. You must support your argument(s) with citations to legal authorities (preferably from Massachusetts) such as case decisions , statutes, regulations, court rules, constitutional provisions, etc. When discussing facts in this section, you must include a reference to the specific page(s) in the appellant's record appendix, transcript(s), or your supplemental record appendix where that fact can be found. PLEASE DELETE THIS INSTRUCTION FROM YOUR FINAL BRIEF.]

**CONCLUSION (RELIEF REQUESTED)**

[Instructions: The conclusion is a short statement that states the action or relief you request the Appeals Court to order when it decides the appeal (for example, affirm the outcome of the trial court). PLEASE DELETE THIS INSTRUCTION FROM YOUR FINAL BRIEF.]

Respectfully submitted,

/s/ [your name here]

(You can add your signature by typing "/s/" before your full name, inserting a digital signature image, or provide a wet signature by printing and signing your name in your handwriting))

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Print your name]:

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**This conclusion and signature block page counts as the last page of your informal appellee brief, which may not exceed 30 pages.**

# Certificate of Service

Pursuant to Mass. R. A. P. 13 (e), I hereby certify under the penalty of perjury, that on this date,\_\_\_\_\_\_, I served a complete copy of this [Choose all that apply]:

\_\_ Informal Appellee Brief;

\_\_ Informal Supplemental Record Appendix;

\_\_ Informal Impounded Supplemental Record Appendix;

on all parties, by sending it to the person(s) listed below using the email address(es) or physical mailing address(es) shown:

Name of other party or parties or their lawyer(s) who you served:

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***All papers filed in the Appeals Court must be sent to all other parties to the case, or their attorney(s), and filed along with a Certificate of Service stating that you completed this step. This is called "service," and can be done by email or regular mail. If the Certificate of Service is not completed, this filing will not be accepted. If you do not serve the other party or parties before filing documents in the Appeals Court, the filing may be struck and, if you are an appellant, the appeal may be dismissed.***

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Pursuant to Mass. R. A. P. 13 (a) (1) (B), I hereby certify, under the penalties of perjury, that on the following date,\_\_\_\_\_\_\_\_, which is on or before the date this brief is due to be filed in the Appeals Court, I mailed this brief by first-class mail or its equivalent to the Appeals Court.

/s/ [Your name here]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Pursuant to Mass. R. A. P. 13 (a) (1) (B) and 13 (a) (2), I hereby certify that I am a self-represented party currently confined in a State or Federal institution, and that on the following date, \_\_\_\_\_\_, which is on or before the date when the brief is due to be filed in the Appeals Court, I deposited this brief in the institution's internal mail system for mailing to the Appeals Court.

/s/ [Your name here]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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