# SAMPLE INFORMAL APPELLANT BRIEF

**COMMONWEALTH OF MASSACHUSETTS**

**APPEALS COURT**

**Docket Number: 202#-P-0123**



**The Three Bears, plaintiffs-appellees**

**vs.**

**Goldilocks, defendant-appellant**



**On Appeal From Norfolk Superior Court**

**Informal Appellant Brief of Goldilocks**



June 30, 2025

Goldilocks (She/her)

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**Important Note: This is a sample informal appellant brief intended to show how a party may prepare an informal appellant brief. This sample is for demonstration purposes only and not intended to provide legal advice. The case law cited here is fictitious and does not represent actual statements of the law, and must not be relied upon in any way.**

**ISSUES ON APPEAL/CLAIMS OF ERROR**

The Superior Court judgment on the jury verdict finding me liable to the plaintiffs, Papa Bear, Mama Bear, and Baby Bear ("the Bears"), for trespass, conversion of property, and infliction of severe emotional distress (RA p.90), should either be reversed or I should be given a new trial because:

1. The jury were wrong to find me liable for trespass because

there was not enough evidence to prove it.

2. The judge was wrong to instruct the jury to ignore my

defense of necessity.

3. The jury were wrong to find me liable for conversion of

property because there was not enough evidence to prove it.

4. The jury were wrong to find me liable for infliction of

severe emotional distress on Baby Bear because there was not enough evidence to prove it.

**CASE HISTORY**

On January 5, 2024, Papa Bear, Mama Bear, and Baby Bear, through Papa and Mama, filed a civil complaint in the Norfolk Superior Court against me, Goldilocks, for trespass, conversion of property, and infliction of emotional distress on Baby Bear. (RA p.20-39)

Prior to the jury trial, I filed a motion to present the defense of necessity, (RA p.50-59), supported by a memorandum of law. (RA p.60-69) The Bears filed an opposition. (RA p.70-74) After a hearing, the judge ruled that the evidence concerning the defense of necessity could come in "de bene," subject to the judge's later review and final instruction to the jury. (Transcript, vol.1, p.10-12)

A jury trial was held on August 12, 2024, before Judge Wolf. (RA p.82) At the end of the trial, the judge denied my motion to present the defense of necessity and instructed the jury not to consider it. (Transcript, vol. 2, p.130-135) The jury returned a verdict for the Bears and awarded them $60,000 in damages. (RA p.82-84) The judge entered a final judgment on August 31, 2024, (RA p.85-99), and on September 20, 2024, I filed a notice of appeal. (RA p.100)

**STATEMENT OF THE FACTS**

**The Defendant Goldilocks's Testimony.** I live in Burrow, Massachusetts, and on October 10, 2023, I went for a morning walk in the Blue Hills Forest behind my house but somehow got lost. (Goldilocks testimony, transcript vol.2, p.46-51) After about four hours, I was tired and extremely hungry. (Tr.2, p.52) I thought I was going to die alone in the forest and was relieved when I came across a cozy cottage. (Tr.2, p.53; RA p.80) The door of the cottage was locked, but the windows were wide open. (Tr.2, p.63) There were no gates, warnings, or signs like "Keep Out." (Tr.2, p.64; RA p.80) I knocked on the front door and yelled, "Hello? Can anyone help me," but no one answered. (Tr.2, p.68) I thought it was a small hotel or a bed-and-breakfast for tourists. (Tr.2, p.69) Since I was so hungry and tired, I decided to climb through the open window into the cottage to look for help. (Tr.2, p.70)

Once I was inside, I saw three bowls of porridge on a table and could not believe my good luck. (Tr.2, p.75) I tried the porridge in the huge bowl, but it was way too hot. (Tr.2, p.76-77) I tried the porridge in the medium bowl, but it was way too cold. (Tr.2, p.78-79) The porridge in the tiny bowl was just right, so I sat down and ate it all. (Tr.2, p.80) Oddly enough, right after I finished eating, the chair I was sitting on suddenly broke under me. (Tr.2, p.81; RA p.81)

I was extremely tired after eating and decided to take a nap when I saw three beds. (Tr.2, p.83) The pillow on the first bed had way too many feathers, the pillow on the second bed had way too few, but the pillow on the third bed was just right, so I laid down and took a nap in the third bed. (Tr.2, p.85-86) I do not recall seeing any item labeled "Papa Bear," "Mama Bear," or "Baby Bear." (Tr.2, p.86) Sometime later, I was shaken awake by three "giant wild brown bears looming over me and growling angrily at me." (Tr.2, 87) Afraid, I jumped up and ran out of the cottage. (Tr.2, p.90) The next day, the Bears fixed the broken chair, which belonged to Baby Bear. (Tr.2, p.100; RA p.81) A few months later, the Bears sued me. (Tr.2, p.100)

**The Plaintiffs, The Three Bears' Testimony.** Papa Bear testified that he lives with his wife and cub, Mama Bear and Baby Bear, in the Blue Hills Forest dividing Burrow, Massachusetts, from South Burrow, Massachusetts. (Papa Bear testimony, Transcript vol.1, p.20) On October 10, 2023, the Bears went for a walk to let their porridge cool, locking the front door behind them. (Tr.1, p.22-24) When they came back, they found their porridge eaten, a chair broken, feathers all over their beds, and a stranger (me) sound asleep in Baby Bear's bed. (Tr.1, p.25-30; Mama Bear testimony, Tr.1, p.80-85)

The Bears, especially Baby Bear, were horrified, but testified that they gently awakened me, the stranger, before calmly expressing their unhappiness with my uninvited presence in their cottage. (Baby Bear Testimony, Transcript vol.1, p.35-36, 90; Papa Bear Testimony, Transcript vol.1, p.40, 91) The Bears said they did not use any physical violence or make any threats toward me, but I sprinted out the front door anyways. (Tr.1, p.37, 95)

Baby Bear was "horrified" and had to visit their family veterinarian, Dr. Wise Owl, shortly after the incident. (Baby Bear Testimony, Transcript vol.1, p.35-36, 90; Papa Bear Testimony, Transcript vol.1, p.40, 91) Dr. Wise Owl recommended therapy with Dr. Puppy among other changes in lifestyles. (Dr. Wise Owl testimony, Transcript vol. 1, p.37, 110; RAII p.3). Dr. Bear Paw, a bear neurologist, testified that human contact may cause brain changes in bears. (Dr. Bear Paw testimony, Transcript vol.1, p.120.

**LEGAL ARGUMENTS**

**1. The jury were wrong to find me liable for trespass because**

**there was not enough evidence to prove it.**

Trespass requires proof of an intentional entry on the property of another "without permission." Hansel & Gretel v. Witch, 777 Mass. 25, 30 (1960). Here, the jury should have found that I had permission, because the windows of the cottage were wide open and there were no gates or signs saying, "Keep out." (Goldilocks testimony, transcript (Tr.2, p.63-64; RA p.80) Unlike the case of Three Little Pigs v. Big Bad Wolf, 481 Mass. 236, 238 (1999), where it was clear from the pigs' comments that they did not want Wolf to enter, no one answered when I knocked and called out. (Tr.2, p.68) This case is just like Hansel & Gretel, where the children were not liable for trespass because they thought they were free to enter the Witch's house as no one responded to their knocks. Therefore, I should not have been found liable for trespass because I thought I was free to enter the cottage.

The fact that the door was locked should not have mattered because it was not my intent to unlawfully intrude on the Bears' property when I went in through an open window. See Jack & The Beanstalk v. Giant, 20 Mass. App. Ct. 333, 340 (1968) (no trespass where Jack did not plant bean with intent that it would overgrow so he could enter Giant's property); Matter of Woman Who Lives in Shoe, 62 Mass. App. Ct. 472, 491 (1955) (no trespass by teacher who entered home without permission to search for truant children). Rather, I was tired and afraid of starving to death. (Tr.2, p.70) Therefore, the Appeals Court should reverse the jury's finding that I committed trespass because there was not enough evidence to prove it.

**2. The judge was wrong to instruct the jury to ignore my**

**defense of necessity.**

Massachusetts law recognizes that acting out of necessity to preserve life can sometimes justify entering someone's property without permission. See Silver-furred Wolf v. Little Red Riding Hood, 389 Mass. 581, 590-592 (1983). If there was an "emergency," someone could trespass on another's property. Beast v. Belle, 222 Mass. 150, 155 (2002) (Belle entered Beast's castle without permission to escape dangerous blizzard).

Here, I had a true emergency when I entered the cottage because I was at serious risk of bodily harm due to hunger and exhaustion after being lost in the forest for four hours. (Goldilocks testimony, transcript vol.2, p.46-53) I felt that I had no other choices but to find ways to survive, and if I hadn't gone into the cottage, I might have passed out or died in the forest. (Tr.2, p.53; RA p.80)

By instructing the jury to ignore my defense of necessity, the judge decided my need for food and shelter was not the type of "necessity" that justifies a trespass. (Tr.2, p.64) By doing so, the judge deprived me of the right to present a defense and severely prejudiced my case. (Transcript, vol. 2, p.130-135)

Therefore, the judge was wrong to instruct the jury to ignore my defense of necessity.

**3. The jury were wrong to find me liable for conversion because there was not enough evidence to prove it.**

To prove conversion, a person must have wrongfully taken, used, or destroyed another's property. Ferocious Monster Nian v. Village, 10 Mass. 100, 101 (1813). Here, I ate some porridge because I was starving to death, accidentally broke a chair in the process, fluffed a few pillows, and took a short nap in a bed. (Goldilocks testimony, transcript vol.2, p.76-86; RAII p.4) Baby Bear's chair was fixed the next day, (Tr.2, p.100; RA p.81), and the Bears still had two other chairs, bowls of porridge, pillows, and beds that they could use. (Tr.2, p.100-101) These minor actions don't really count as "wrongfully using" or "destroying" property. Just like in Captain Hook v. Tic-Toc Croc, 417 Mass. 269, 270 (1982), where the plaintiff had more clocks and another hand, here, the Bears were not "deprived" of anything because of my brief use of their resources.

Therefore, the jury were wrong to find me liable for conversion because there was not enough evidence to prove it.

**4. The jury were wrong to find me liable for the infliction of severe emotional distress on Baby Bear because there was not enough evidence to prove it.**

To recover for infliction of severe emotional distress, a person must prove that the defendant intentionally or recklessly acted in a way that is "extreme" and "outrageous" causing another emotional harm, and that the other suffered severe emotional distress as a result. Rapunzel v. Sorceress, 222 Mass. 140, 144–145 (2002).

For an action to be "extreme" and "outrageous," it must be so extreme in degree as to go beyond all possible bounds of decency. See Hogwarts Board of Directors v. Tom Riddle, 100 Mass. 1, 1-2 (1950) (intentional release of monstrous python to scare and attack students was extreme and outrageous). Here, I did not act extremely or outrageously when I entered what I thought was a small hotel in fear of dying from hunger and exhaustion. (Goldilocks testimony, transcript vol.2, p.69) See Beast, 222 Mass. at 155 (not outrageous for defendant to enter plaintiff's castle to escape blizzard). All I did was climb into the cottage through an open window, eat some food, and fall asleep in one of the beds. (Tr. 2, p.76-86) I admitted that I broke a chair and messed up pillows on two beds, making my case different from Tom Riddle, supra; also, the chair was easily fixed the next day and the beds remade. (Tr.2, p.100; RA p.81) Therefore, my actions were far from "extreme" and "outrageous." See Sally v. Cat in the Hat, 23 Mass. App. Ct. 381, 385 (1972) (defendant not liable for infliction of emotional distress when mess easily cleaned). If anything, it was the Bears who caused me severe emotional distress, by waking me up with angry growls and scaring the daylights out of me.

Moreover, to prove "severe emotional distress," there must be a medical diagnosis showing a direct connection to the extreme and outrageous behavior. See Rapunzel, 222 Mass. at 145 (dissociative identity disorder from being trapped in tower); Cinderella v. Stepfamily, 130 Mass. 667, 670 (1990) (emotional abuse caused anxiety); Little Mermaid v. Sea Witch, 93 Mass. App. Ct 410, 415 (2007) (post-traumatic stress disorder from physical and emotional abuse). Here, the Bears testified that Baby Bear was "horrified" to find me in their bed and later had to visit Dr. Wise Owl. (Baby Bear Testimony, Transcript vol.1, p.35-36, 90; Papa Bear Testimony, Transcript vol.1, p.40, 91) Dr. Wise Owl recommended therapy among some other lifestyle changes. (Dr. Wise Owl testimony, Transcript vol. 1, p.37, 110; RAII p.3). Dr. Bear Paw, the bear neurologist, testified that human contact sometimes may cause brain changes in bears, but he did not check out Baby Bear and did not testify that Baby Bear's post-traumatic stress disorder and anxiety were caused by my brief visit. (Dr. Bear Paw testimony, Transcript vol.1, p.120)

Therefore, the jury were wrong to find me liable for the infliction of severe emotional distress on Baby Bear because there was not enough evidence to prove it.

**CONCLUSION/RELIEF REQUESTED**

Based on everything I said earlier, I ask the Appeals Court to reverse the Superior Court's judgment finding me liable for trespass, conversion of property, and infliction of emotional distress, and vacate the jury's damage award. The Appeals Court should either decide in my favor on all claims or send my case back to the trial court for a new trial.

Respectfully submitted,

/s/ Goldilocks

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June 30, 2025

**CERTIFICATE OF SERVICE**

Pursuant to Mass. R. A. P. 13 (e), I hereby certify, under the penalties of perjury, that on this date of June 30, 2025, I served via the Appeals Court's electronic filing system a complete copy of this Informal Appellant Brief and Record Appendix, by sending it to the parties listed below at their email address:

Papa Bear and Mama Bear, thethreebears@bluehillsforest.com

/s/ Goldilocks

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