# SAMPLE INFORMAL APPELLEE 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 Appellee Brief of Papa Bear and Mama Bear for**

**the Three Bears**

July 1, 2025

Papa Bear (he/him) and Mama Bear (she/her)

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**Important Note: This is a sample informal appellee brief intended to show how a party may prepare an informal appellee 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 real statements of the law, and must not be relied upon in any way.**

**ISSUES ON APPEAL/CLAIMS OF ERROR**

1. The jury were right to find Goldilocks liable for trespass

when plenty of evidence proves it.

2. The judge was right to instruct the jury to ignore

Goldilocks's defense of necessity over Goldilocks's objection.

3. The jury were right to find Goldilocks liable for conversion of our property when plenty of evidence proves it.

4. The jury were right to find Goldilocks liable for the

infliction of severe emotional distress on Baby Bear when plenty of evidence proves it.

**CASE HISTORY**

Our family, Papa Bear, Mama Bear, and Baby Bear, through Papa and Mama, filed a civil complaint in the Norfolk Superior Court on January 5, 2024, asking for damages from the defendant-appellant, Goldilocks, for trespass, conversion of property, and infliction of emotional distress. (RA p.20-30) Our complaint asserted that Baby Bear suffered severe emotional distress after being horrified by finding Goldilocks in Baby Bear's bed. (RA p.35-39)

Prior to the trial, Goldilocks filed a motion to present the defense of necessity, supported by a memorandum of law (RA p.50-59), claiming she only went into our cottage because she it was an "emergency." (RA p.50-69). In response, we filed an opposition. (RA p.70-79) After a hearing, Judge Wolf 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)

During the trial on August 12, 2024, the jury heard testimony from our family, from an expert, and from Goldilocks. The jury also looked at Baby Bear's mental health records provided by Baby Bear's family veterinarian that said Baby Bear suffered severe emotional distress after Goldilocks's intrusion. (RAII p.3) The judge impounded the mental health records. (RAII p.4)

At the end of the trial, the judge told the jury that given the circumstances of our case, Goldilocks could not use necessity as a defense. (Tr.2, p.130-135) The jury found that Goldilocks entered our cottage without our permission and proceeded to eat our porridge, break Baby Bear's chair, mess up our beds, and nap in Baby Bear's bed, which counted as a trespass and conversion of our property and caused Baby Bear severe emotional distress. (RA p.82-83) The jury awarded our family $60,000. (RA p.84)

On August 31, 2024, the judge entered a final judgment. (RA p.85-99) On September 20, 2024, Goldilocks filed a notice of appeal. (RA p.100)

**STATEMENT OF THE FACTS**

At trial, we proved the following. Our family lives in the Blue Hills Forest dividing Burrow, Massachusetts, from South Burrow, Massachusetts. (Papa Bear testimony, Transcript vol.1, p.20) Goldilocks lives in Burrow, a small town a few miles away bordering one side of the forest. (Goldilocks testimony, transcript vol.2, p.46)

On October 10, 2023, our family went for a morning walk so that our porridge could cool down, and we made sure to lock the front door behind to keep out forest creatures. (Papa Bear testimony, Transcript vol.1, p.22-24) The crisp morning walk was delightful, but when we returned, we noticed that we had left our windows open. (Tr.1, p.24) As we made our way inside, we found that someone had eaten our porridge and broken Baby Bear's chair. (Tr.1, p.25-30; Mama Bear testimony, Tr.1, p.80-85) Baby Bear then found Goldilocks asleep in their bed and was extremely horrified. (Baby Bear testimony, Transcript vol.1, p.35-36, 90) Although we were not happy that she came into our cottage without asking, we still gently woke her up. (Papa Bear Testimony, Transcript vol.1, p.40, 91) She "freaked out" and fled out our front door. (Tr.1, p.37, 95)

After this incident, Baby Bear started having severe symptoms of anxiety, including loss of appetite and sleep disturbances. (Tr.1, p.50, 105; RAII p.3) Baby Bear 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) The symptoms were so pronounced that Dr. Wise Owl recommended trauma therapy with Dr. Puppy. (Tr.1, p.37, 110; RAII p.3) Dr. Bear Paw, a famous bear neurologist, testified as an expert that the brain of a bear cub changes when a bear cub has contact with a human. (Dr. Bear Paw testimony, Transcript vol.1, p.120) The changes may create symptoms like anxiety or sleep disturbances. (Tr.1, p.110-120)

**LEGAL ARGUMENTS**

**1. The jury were right to find Goldilocks liable for trespass**

**when plenty of evidence proves it.**

The jury correctly found that Goldilocks trespassed on our property as there was substantial evidence to support that conclusion. When the Appeals Court reviews an appeal, it reviews the record to see if there are facts to support the jury's findings. Tom v. Jerry, 123 Mass. 123, 124 (2016). If there is substantial evidence to support the verdict, the court must affirm. Id. at 125. If there are conflicts in the facts, the court will resolve the conflicts in favor of the party who won in the trial court. Id. at 127. This is because the jury see the witnesses and evidence firsthand, allowing them to weigh the evidence and make credibility determinations. Alice v. Cheshire Cat, 92 Mass. App. Ct. 550, 558 (2018).

"A trespass is an invasion of the interest in the exclusive possession of land, as by entry upon it." Hansel & Gretel v. Witch, 777 Mass. 25, 30 (1960). See Three Little Pigs v. Big Bad Wolf, 481 Mass. 236, 238 (1999). "A trespass requires an affirmative voluntary act upon the part of a wrongdoer." Peter Pan v. Captain Hook, 225 Mass. 25, 25 (2025). "[A]n unintended intrusion upon the land in possession of another does not constitute a trespass." Jack & The Beanstalk v. Giant, 20 Mass. App. Ct. 333, 340 (1968).

Goldilocks argues that she did not intend to trespass, as she believed our home was a small hotel for tourists. (Goldilocks testimony, transcript vol.2, p.69) However, the evidence shows that Goldilocks knew or should have known that our cottage was a private residence. First, there were no signs advertising our cottage as a hotel, the front door was locked, and no one answered when Goldilocks knocked on the front door and yelled "Hello! Can anyone help me." These facts should have revealed to Goldilocks that our cottage is a family home, not a hotel.

Goldilocks then peered into our windows and saw three differently sized bowls of sweet porridge on the dining room table, labeled "Mama," "Papa," and "Baby" as if they clearly belonged to a family of three. None of the bowls were labeled "guest" (or "Goldilocks"). Even though it was obvious that the cottage was a private home and not a hotel, and even though she knew no one had given her permission to enter, Goldilocks thought it was a good idea to climb through the open windows into our cottage.

The jury were right to find that Goldilocks trespassed on our property, and the Appeals Court should affirm the judgment.

**2. The judge was right to instruct the jury to ignore**

**Goldilocks's defense of necessity over Goldilocks's objection.**

Under Massachusetts law, the defense of necessity permits an individual to take actions that would otherwise be unlawful when they are necessary to prevent greater harm. Silver-furred Wolf v. Little Red Riding Hood, 389 Mass. 581, 590-592 (1983). For example, someone could trespass on the property of another if there was an emergency. Beast v. Belle, 222 Mass. 150, 155 (2002) (Belle entered Beast's castle to escape dangerous blizzard). However, this defense is very limited. It is not available when the person claiming necessity created the emergency, or when other options to avoid harm exist. Big Bad Wolf v. Three Little Pigs, 987 Mass. 789, 790 (1979) (failure to secure structurally sound housing causing home invasion).

Here, Goldilocks created the "emergency" by leaving her home without food, water, a compass, or a map. (RA p.70) Also, she did not exhaust all reasonable alternatives before entering our cottage. (RA p.71) Goldilocks could have planned her walk better, brought a cell phone, or knocked on the door of one of our neighbors who were home rather than breaking into our cottage. (RA p.72) She also could have kept walking to see if she could find someone who could help or followed the signs all over the forest directing travelers to the nearest Park Ranger's Station. (RA p.73)

Goldilocks did not do any of those things, therefore, the judge was right to instruct the jury to ignore Goldilocks's defense of necessity.

**3.** **The jury were right to find Goldilocks liable for conversion when plenty of evidence proves it.**

Conversion is the unlawful exercise of control over the personal property of another, with the intent to permanently deprive the owner of its use. Ferocious Monster Nian v. Village, 10 Mass. 100, 101 (1813). Goldilocks's conduct of eating our food, sitting on our chairs and breaking one of them, messing up our pillows, and sleeping in Baby Bear's bed are enough to prove unlawful exercise of control over our private property. Her conduct clearly deprived us of the use and enjoyment of our private property. See id. at 103 (wrongful control over villagers' houses and animals); Little Mermaid v. Sea Witch, 93 Mass. App. Ct 410, 415 (2007) (deprivation of Little Mermaid's voice for Sea Witch's own benefit).

Therefore, the jury were right to find Goldilocks liable for conversion.

**4. The jury were right to find Goldilocks liable for the**

**infliction of severe emotional distress on Baby Bear when plenty of evidence proves it.**

To recover for infliction of severe emotional distress, a person must prove that the defendant's conduct was extreme and outrageous, that it was intentional or recklessly performed, and that it caused severe emotional distress to the plaintiff. See Rapunzel v. Sorceress, 222 Mass. 140, 144–145 (2002). "Severe emotional distress" requires proof of a medical diagnosis traceable to the offensive behavior. See id. (being trapped in tower led to dissociative identity disorder); 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).

Goldilocks's conduct in our cottage was extremely outrageous and reckless. She trespassed and behaved in a way that caused Baby Bear significant emotional distress. Specifically, she broke into our cottage, ate all of Baby Bear's porridge, broke Baby Bear's chair, and took a nap in Baby Bear's bed. (Goldilocks testimony, transcript vol.2, p.76-86) Goldilocks's acts were far beyond mere annoyance or disturbance. They were an intentional intrusion on ours, and especially Baby Bear's, privacy and well-being. Goldilocks's defense that her behavior was justifiable simply because she had good intentions for survival was not convincing and the jury were correct to reject it.

Our expert witness provided testimony that the brain of a bear cub changes when a bear cub has unexpected contact with a human. (Dr. Bear Paw testimony, Transcript vol.1, p.120) The changes may create symptoms like anxiety or sleep disturbances. (Tr.1, p.125). After the incident, Baby Bear started to show symptoms of increased anxiety, sleep disturbances, appetite changes, and irritability. Baby Bear's medical record showed diagnoses of generalized anxiety disorder and post-traumatic stress disorder. (RAII p.3) Baby Bear did not have these diagnoses prior to the home intrusion. Id.

Therefore, the jury were right to find Goldilocks liable for the infliction of severe emotional distress on Baby Bear.

**CONCLUSION/RELIEF REQUESTED**

The Bears respectfully ask the Appeals Court to affirm the judgment of the Superior Court and uphold the jury's verdict finding Goldilocks liable for trespass, conversion, and infliction of severe emotional distress, and awarding us $60,000 in damages.

Respectfully submitted,

/s/ Papa Bear

/s/ Mama Bear

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July 1,2025

**CERTIFICATE OF SERVICE**

Pursuant to Mass. R.A.P. 13 (e), we hereby certify, under the penalties of perjury, that on this date of July 1, 2025, we served via the Appeals Court's electronic filing system a complete copy of this Informal Appellee Brief, by sending it to the person listed below at their email address:

Goldilocks, Goldilocks@bluehillsforest.com

/s/ Papa Bear

/s/ Mama Bear

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