**COMMONWEALTH OF MASSACHUSETTS**

**APPEALS COURT**

No. {{ docket\_number }}

{{ trial\_court.address.county }}, ss.

{{ plaintiffs }} , {{ plaintiff\_appeals\_role }}

V.

{{ defendants}} , {{ defendant\_appeals\_role }}

On Appeal From {{ trial\_court }}

{% if users\_appeals\_role == 'appellant' %} Appellant's {%endif%}{% if users\_appeals\_role == 'appellee' %}Appellee's{%endif%}{% if users\_appeals\_role == 'appellant' and appellant\_brief\_or\_reply == 'reply' %}Reply{%endif%} Brief for {{ users[0].name }}

Date: {{ showifdef('signature\_date') }}

{%p if users[0].attorneys.there\_are\_any == True %}

{{ users[0].attorneys[0].name }}

Attorney for {{ users[0].name }}

{{ users[0].attorneys[0].address.block() }}

BBO # {{ users[0].attorneys[0].id\_number}}

{{ users[0].attorneys[0].firm}}

{{ users[0].attorneys[0].phone\_numbers() }}

{{ users[0].attorneys[0].email }}

{%p else %}

{{ users[0].name }}

{{ users[0].address.block() }}

Pro Se

{{ users[0].phone\_numbers() }}

{{ users[0].email }}

{%p endif %}

TABLE OF CONTENTS

[You can right-click on this table of contents and select "update field" to automatically fill in the headings and page numbers. ]

[Table of authorities 3](#_Toc2673590)

[Statement of Issues 4](#_Toc2673591)

[Statement of the Case 4](#_Toc2673592)

[Statement of the Facts 5](#_Toc2673593)

[Summary of the Argument 5](#_Toc2673594)

[Argument 5](#_Toc2673595)

[[Subheading] 6](#_Toc2673596)

[Conclusion 6](#_Toc2673597)

[Addendum 8](#_Toc2673598)

[Certificate of Compliance 11](#_Toc2673599)

[Certificate of Service 12](#_Toc2673600)

# Table of authorities

[The below are included as examples of the format, replace them with the authorities that you cite in your brief]

**Cases:**

Matthews v. Ocean Spray Cranberries, Inc.,

426 Mass. 122 (1997)........5

Ferrari v. Toto, 9 Mass. App. Ct. 483 (1980).....13,17

**Constitutional Provisions:**

U.S. Const. Amend. XIV...............................8

**Statutory Provisions:**

G.L. c. 106, § 3-301................................15

**Other Authorities:**

Mass. G. Evid. § 502(b).............................19

# Statement of Issues

{{ statement\_of\_issues }}

# Statement of the Case

{{ statement\_of\_case }}

# PROCEDURAL HISTORY

* This case was started when the {{ initial\_doc }} was filed in the trial court by the plaintiff.

{%p if filed\_12b %}

* A 12(b) motion was filed.
  + This 12(b) motion was {% if not opposed\_12b %}not {% endif %}opposed.
  + There was {% if not hearing\_on\_12b %}not {% endif %}a hearing on this 12(b) motion.
  + The trial court {{ decision\_12b.lower() }} this motion.
  + The 12(b) motion was {% if not reason\_appeal\_12b %}not {% endif %}the reason for this appeal.

{%p endif %}

{%p if filed\_sj %}

* A motion for summary judgment was filed.
  + This motion for summary judgment was {% if not opposed\_sj %}not {% endif %}opposed.
  + There was {% if not hearing\_on\_sj %}not {% endif %}a hearing on motion for summary judgment.
  + The trial court {{ decision\_sj.lower() }} this motion.
  + The motion for summary judgment was {% if not reason\_appeal\_sj %}not {% endif %}the reason for this appeal.

{%p endif %}

{%p if filed\_ptm %}

* A pre-trial motion was filed.
  + The pre-trial motion relief requested was {{ relief\_requested\_ptm }}.
  + This pre-trial motion was {% if not opposed\_ptm %}not {% endif %}opposed.
  + There was {% if not hearing\_on\_ptm %}not {% endif %}a hearing on the pre-trial motion.
  + The trial court {{ decision\_ptm.lower() }} this motion.
  + The pre-trial motion was {% if not reason\_appeal\_ptm %}not {% endif %}the reason for this appeal.

{%p endif %}

{%p if trial\_held %}

* A trial was held in the lower court on this matter.
  + There was {% if not jury\_trial %}not {% endif %}a jury.
  + The trial court decision was {{ trial\_decision.lower() }}.

{%p endif %}

{%p if pj\_filed %}

* A post-judgment was filed.
  + The post-judgment motion relief requested was {{ judgment\_sought }}.
  + The post-judgment motion was served on the opposing counsel on {{ when\_pj\_served }} and filed with the court on {{ when\_pj\_filed }}.
  + This post-judgment motion was {% if not pj\_opposed %}not {% endif %}opposed.
  + There was {% if not pj\_hearing %}not {% endif %}a hearing on the post-judgment motion.
  + The trial court {{ pj\_decision.lower() }} this motion.
  + The post-judgment motion was {% if not reason\_appeal\_ptm %}not {% endif %}the reason for this appeal.

{%p endif %}

* The Notice of Appeal was filed on {{ noa\_filed }}.
* This is {% if not cross\_appeal %}not {% endif %}a cross appeal.

# Statement of the Facts

{{ statement\_of\_facts }}

# Summary of the Argument

{{ summary\_argument }}

# Argument

## {{ argument\_subheading }}

{{ argument\_contents }}

# Conclusion

{{ conclusion\_contents }}

Respectfully submitted,

{%p if i == "final" %}

{% if pro\_se\_or\_atty == 'attorney' %} {{ users[0].attorneys[0].signature }} {%else %}

{{ users[0].signature }}

{%p endif %}

{%p endif %}

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

{%p if users[0].attorneys.there\_are\_any == True %}

{{ users[0].attorneys[0].name }}

Attorney for {{ users[0].name }}

{{ users[0].attorneys[0].address.block() }}

BBO # {{ users[0].attorneys[0].id\_number}}

{{ users[0].attorneys[0].firm}}

{{ users[0].attorneys[0].phone\_numbers() }}

{{ users[0].attorneys[0].email }}

{%p else %}

{{ users[0].name }}

{{ users[0].address.block() }}

Pro Se

{{ users[0].phone\_numbers() }}

{{ showifdef('users[0].email')}}

{%p endif %}

Date: {{ showifdef('signature\_date') }}

# Addendum

[The addendum is attached to the end of your brief and must include copies of any statutes, rules, regulations, local ordinances, or unpublished decisions that you refer to in your brief. It must also contain a copy of the order, judgment or decree that you are appealing. The addendum continues the pagination from the brief. Do not restart the pagination. The addendum must include a table of contents listing each item contained therein and the page on which it begins. The addendum does not count toward the length limit. The addendum is separate from the record appendix, which will also include a copy of the order, judgment or decree that you are appealing, in addition to other relevant documents from the trial court record that you wish to bring to the court's attention in your appeal. A sample appendix also appears on the same page on the court's website as this sample brief. The addendum is required for appellant, appellee, and reply briefs, see Rules 16(a)(13), 16(b)(3), and 16(c).]

Addendum Table of Contents

[Superior Court judge's memorandum of decision and order on summary judgment dated June 13, 2016.......8]

[M.G.L. c.106, § 3-301..............................9]

[Attach copies of the materials and number their pages to coincide with your Addendum's table of contents.

[The addendum contains copies of cited statutes. This section is included as an example.

**G.L. c.106, § 3-301: Person Entitled to Enforce Instrument**

Section 3-301. "Person entitled to enforce" an instrument means (i) the holder of the instrument, (ii) a nonholder in possession of the instrument who has the rights of a holder, or (iii) a person not in possession of the instrument who is entitled to enforce the instrument pursuant to section 3-309 or subsection (d) of section 3-418. A person may be a person entitled to enforce the instrument even though the person is not the owner of the instrument or is in wrongful possession of the instrument.]

# Certificate of Compliance

**Pursuant to Rule 16(k) of the**

**Massachusetts Rules of Appellate Procedure**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby certify that the foregoing brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to:

Mass. R. A. P. 16 (a)(13) (addendum);

Mass. R. A. P. 16 (e) (references to the record);

Mass. R. A. P. 18 (appendix to the briefs);

Mass. R. A. P. 20 (form and length of briefs, appendices, and other documents); and

Mass. R. A. P. 21 (redaction).

*Use only if producing brief in a proportional font/word limit*: I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the proportional font \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at size \_\_\_\_\_, and contains \_\_\_\_\_\_\_\_, total non-excluded words as counted using the word count feature of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

*Use only if producing brief in a monospaced font/page limit*: I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the monospaced font \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at size \_\_\_\_\_\_, \_\_\_\_\_\_\_ characters per inch, and contains \_\_\_\_\_\_\_\_, total non-excluded pages.

# Certificate of Service

Pursuant to Mass.R.A.P. 13(d), I hereby certify, under the penalties of perjury, that on {{ showifdef('signature\_date') }}, I have made service of this Brief [and Appendix] upon the attorney of record for each party, or if the party has no attorney then I made service directly to the self-represented party, by {{ method\_of\_service }} on:

{%p for user in users if user != users[0] %}

{%p for attorney in user.attorneys %}

{{ attorney.name }}

Attorney for {{ user.name }}

{{ attorney.address.block() }}

BBO # {{ attorney.id\_number}}

{{ attorney.firm}}

{{ attorney.email }}

{{ attorney.phone\_numbers() }}

{{ attorney.address.block() }}

{%p endfor %}

{%p endfor %}

{%p for other\_party in other\_parties %}

{%p for attorney in other\_party.attorneys %}

{{ attorney.name }}

Attorney for {{ other\_party.name }}

{{ attorney.address.block() }}

BBO # {{ attorney.id\_number}}

{{ attorney.firm}}

{{ showifdef('attorney.email') }}

{{ attorney.phone\_numbers() }}

{{ attorney.address.block() }}

{%p endfor %}

{%p endfor %}

{%p for other\_party in other\_parties %}

{% if other\_party.attorneys.there\_are\_any == False %}

{{ other\_party.name }}

{{ other\_party.address.block() }}

Pro Se

{{ showifdef('other\_party.phone\_numbers()') }}

{{ showifdef('other\_party.email') }}

{% endif %}

{%p endfor %}

{%p if i == "final" %}

{% if pro\_se\_or\_atty == 'attorney' %} {{ users[0].attorneys[0].signature }} {%else %}

{{ users[0].signature }}

{%p endif %}

{%p endif %}

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

{%p if users[0].attorneys.there\_are\_any == True %}

{{ users[0].attorneys[0].name }}

Attorney for {{ users[0].name }}

{{ users[0].attorneys[0].address.block() }}

BBO # {{ users[0].attorneys[0].id\_number}}

{{ users[0].attorneys[0].firm}}

{{ users[0].attorneys[0].phone\_numbers() }}

{{ users[0].attorneys[0].email }}

{%p else %}

{{ users[0].name }}

{{ users[0].address.block() }}

Pro Se

{{ users[0].phone\_numbers() }}

{{ users[0].email }}

{% endif %}