|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FORM 128. APPELLANT’S FORMAL BRIEF AND ADDENDUM** | | | | | |
| (Cover) | | | | | |
|  | | | | | |
| APPELLATE COURT CASE NUMBER | | | | | |
| STATE OF MINNESOTA | | | | | |
| IN COURT OF APPEALS | | | | | |
|  | | | | | |
| CASE TITLE: | |  | | | |
|  | |  | | | |
| Respondent, | |  | | | |
|  | | : | | | |
|  | vs. |  | | | |
|  |  |  | | | |
| Appellant. | |  | | | |
|  | |  | | | |
| APPELLANT’S BRIEF AND ADDENDUM | | | | | |
|  | | | | | |
| JOHN BROWN | | | SMITH & JONES | | |
| Attorney for Respondent | | | By John Jones | | |
| (address, zip code, telephone number, and | | | Attorney for Appellant | | |
| attorney registration license number) | | | (address, zip code, telephone number, and | | |
|  | | | attorney registration license number) | | |
|  | | |  | | |
| \* \* \* \* \* \* | | | | | |
|  | | | | | |
| TABLE OF CONTENTS | | | | | |
|  | | | | Page | |
| Table of Authorities | | | | 2 | |
| Legal Issues | | | | 3 | |
| Statement of Facts | | | | 4 | |
| Argument | | | |  |
|  | 1. (Concise statement of each legal argument advanced) | | | 7 | |
|  | 2. | | | 12 | |
|  | 3. | | | 15 | |
| Conclusion | | | | 19 | |
|  |  | | |  | |
| ADDENDUM AND ITS INDEX | | | | | |
|  | | | | | |
| Order Denying Motion for New Trial and Memorandum | | | | 1 | |
| [SEE RCAP 130.02] | | | |  | |
| \* \* \* \* \* \* | | | | | |
|  | | | | | |
| TABLE OF AUTHORITIES | | | | | |
|  | | | | | |
| Statutes (list applicable statutes and page where argument found) | | | |  | |

|  |  |  |
| --- | --- | --- |
| Minn. Stat. § 518.58 (2012) | | 8 |
|  |  |  |
| Cases (list applicable authorities and page where argument found) | |  |
| Jones v. Olson, \_\_\_N.W.2d \_\_\_ (Minn. 1982) | | 9 |
| Smith v. Brown, \_\_\_ Minn. \_\_\_, \_\_\_ N.W.2d \_\_\_ (1965) | | 14 |
|  |  |  |
| Secondary Authorities | |  |
| McCormick, Damages § 83 (1935) | | 16 |
|  |  |  |
| \* \* \* \* \* \* | | |
|  |  |  |
| LEGAL ISSUES | | |
|  |  |  |
| I. | (Concise statement of each legal issue) |  |
|  | Trial court held: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; [how raised, decided, and preserved | |
|  | for appeal] | |
|  | [List of most apposite cases] |  |
| II. |  |  |
| \* \* \* \* \* \* | | |
|  |  |  |
| STATEMENT OF FACTS | | |
|  |  |  |
| (The facts should be stated in compliance with RCAP 128.02, subd. 1(c), accompanied by appropriate citations to the addendum or record.) | | |
|  |  |  |
| ARGUMENT | | |
|  |  |  |
| I. | (Each legal issue should be argued separately. RCAP 128.02, subd. 1(d) | |
|  |  |  |
| CONCLUSION | | |
|  |  |  |
| (The conclusion shall contain a statement of the precise relief sought.) | | |
|  |  |  |
| Respectfully submitted, | | |
| SMITH & JONES | | |
| By John Jones | | |
| Attorney for Appellant | | |
| (address, zip code, telephone number, and attorney registration license number) | | |
|  | | |
| \* \* \* \* \* \* | | |
|  | | |
| ADDENDUM AND INDEX | | |
|  | | |
| (The index should precede the addendum. The format requirements for the addendum are found in RCAP 130.) | | |