

Circuit Court for Washington County
Case No. C-21-CV-23-000503

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 122

September Term, 2025

IN THE MATTER OF JUSTIN HOLDER

Wells, C.J.,
Albright,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 20, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority

Justin Holder, appellant,¹ appeals from an order issued by the Circuit Court for Washington County granting a “Motion to Quash and for Protective Order” filed by the State of Maryland Department of Natural Resources, appellee. In addition to quashing a subpoena issued by appellant, that order required appellant to seek leave of the court before initiating or propounding any discovery to appellee or its employees or counsel “in this case or any other pending or future case.” Appellant raises a single issue on appeal: whether the court erred in requiring him to obtain leave of the court before engaging in discovery in “any other pending or future case” involving appellee. Appellee has filed a motion to dismiss the appeal as having been taken from a non-final judgment. For the reasons that follow, we shall deny the motion to dismiss and vacate the court’s order to the extent that it limits appellant’s ability to engage in discovery in other cases.

In 2023, appellant filed a complaint, subsequently amended, claiming that appellee had failed to produce all the records that were responsive to his various Maryland Public Information Act (MPIA) requests. Although a hearing was held in January 2025 on the parties’ cross-motions for summary judgment, the court has not issued an order with respect to those motions, and no final judgment has been entered. In February 2025, appellant obtained a subpoena directing a designee of appellee to appear for a deposition covering at least seven different topics, and to produce 36 categories of documents.

¹ Although appellant’s brief also lists Shaun Porter as an appellant, Mr. Holder is the only appellant in this case, as Mr. Porter did not sign the notice of appeal. *See Floyd v. Mayor and City Council of Baltimore*, 179 Md. App. 394, 427 (2008) (“The failure of the *pro se* individuals listed as appellants to sign the notice of appeal disqualifies them as appellants.”).

In response, appellee filed a motion to quash the subpoena. In that motion, appellee also requested a protective order, on the grounds that: (1) Maryland circuit courts had denied related discovery requests in other MPIA cases that appellant had filed; (2) in at least two cases, the court had entered a protective order preventing him from issuing discovery to appellee in those cases; (3) the requested discovery included information that was clearly within the scope of attorney-client privilege; (4) the information sought in the subpoena was overly broad; (5) appellant had failed to follow the Maryland Rules with respect to depositions; and (6) discovery was not generally available in MPIA proceedings. On March 21, 2025, the court entered an order, which did not contain any specific findings, granting appellee’s motion. In addition to granting a protective order with respect to appellant’s discovery requests in this case, the order also required appellant to seek leave of the court before initiating or propounding any discovery to appellee or its employees or counsel in “any other pending or future case.” This appeal followed.

As an initial matter, appellee has filed a motion to dismiss the appeal as not allowed by law because no final judgment has been entered, and “interlocutory discovery orders generally are not appealable, including under the collateral order doctrine.” We agree with appellee that discovery orders are generally not appealable until the entry of a final judgment. And had the court limited its protective order to appellant’s discovery requests in this case, dismissal would be appropriate. However, in *Riffin v. Circuit Court for Baltimore County*, 190 Md. App. 11, 29-30 (2010), this Court held that when a pre-filing order “is more than a sanction in an individual case, but transcends each separate case” it “is most aptly characterized as an injunction[,]” and thus appealable under Section 12-303(3)(i) of the Courts and Judicial

Proceedings Article. Here, the court’s pre-filing order extended beyond this case to include any “pending and future case” involving the parties. And that is the only part of the court’s order that appellant is challenging on appeal. Consequently, we are persuaded that portion of the court’s order is immediately appealable as an order granting an injunction and shall deny the motion to dismiss.

As to the merits, appellant contends that the court erred in entering the pre-filing order because the court did not state its reasons for issuing the injunction on the record.² We agree. The circuit court is vested with the inherent authority to enter pre-trial injunctions to “control the actions of a vexatious or frivolous litigant.” *Riffin*, 190 Md. App. at 29. Although, the court cannot order a complete ban on filings by indigent proper person litigants, it may, under appropriate circumstances, require a litigant to obtain court approval prior to filing motions, pleadings, or papers. To withstand appellate review, the court must “document a record that justifies a pre-filing order.” *Id.* at 33. Moreover, the court “should make substantive findings as to the frivolous or harassing nature of the litigant’s actions,” addressing both the numericity and the frivolity of that litigant's filings. *Id.* at 34. In so doing, the court should address the following five factors:

- (1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits;
- (2) the litigant’s motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?;
- (3) whether the litigant is represented by counsel;
- (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary

² Appellant also asserts that he was not “afforded due process or proper notice of the injunction being sought[.]” Because we hold that the court failed to create an adequate record to justify the challenged portion of the pre-filing order, we need not address this argument.

burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

Id. at 35 (quoting *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)). Finally, “the court must narrowly tailor a pre-filing order.” *Id.* at 34.

Here, the court did not make any substantive findings. Nor did it indicate why such a broad pre-filing order was necessary to control appellant’s actions. That is not to say that, based on the allegations raised in appellee’s motion, such a pre-filing order might not have been warranted. But because the court did not sufficiently “document a record” supporting its decision, the requirement that appellant seek leave of the court before engaging in discovery in “any other pending or future case” involving appellee cannot withstand appellate review. We therefore vacate that portion of the court’s order.

**JUDGMENT OF THE CIRCUIT COURT FOR
WASHINGTON COUNTY VACATED IN
PART. CASE REMANDED FOR FURTHER
PROCEEDINGS NOT INCONSISTENT WITH
THIS OPINION. COSTS TO BE PAID BY
WASHINGTON COUNTY.**