Circuit Court for Baltimore City
Case No. 24-C-19-003848

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

Misc. No. 355
September Term, 2020

HARTFORD FIRE INSURANCE CO.

v.

THE HONORABLE VIDETTA A. BROWN, ET AL.

Fader, C.J.,
Berger,
Arthur,

JJ.

Opinion by Arthur, J.

Filed: July 7, 2020

Hartford Fire Insurance Co. filed a petition for a writ of mandamus against the Honorable Videtta A. Brown, a judge in the Circuit Court for Baltimore City. The petition asked this Court to mandate that Judge Brown enter a protective order as to certain discovery requests propounded by Hartford's adversary. In an order dated July 2, 2020, we dismissed the petition. We write now to explain the basis of the ruling.

In its petition, Hartford cited *Homes Oil Co. v. Maryland Dep't of the Environment*, 135 Md. App. 442 (2000), for the proposition that this Court has the power to issue a writ of mandamus in aid of its appellate jurisdiction. *Homes* does not hold that this Court has that power. *Homes* involves an appeal from a final judgment on the merits – the entry of summary judgment against a party that sought a writ of mandamus against an administrative agency. *Id.* at 453-54. In *Homes*, therefore, this Court had jurisdiction to consider the appeal under § 12-301 of the Courts and Judicial Proceedings Article. The comments regarding the power to issue a writ of mandamus in aid of appellate jurisdiction were unnecessary to the decision in *Homes*.

In its reply brief, however, Hartford observed that in *In re Petition for Writ of Prohibition*, 312 Md. 280, 301 (1988), the Court of Appeals, quoting ABA Standards on Judicial Administration, *Standards Relating to Appellate Courts* § 3.00, at 5 (Approved Draft 1977), stated: "'[a]lthough used infrequently, the power to issue extraordinary writs to protect an appellate court's jurisdiction, and to secure conformity to its mandates, is essential for maintaining the integrity of the legal system. Under generally recognized principles of law, that power is inherent and should be universally so regarded.'" In light of the Court of Appeals' comment that the power to issue extraordinary writs to protect

an appellate court's jurisdiction "is inherent," we assume for the sake of argument that this Court, as an appellate court, has the power to issue a writ of mandamus in aid of its appellate jurisdiction.

Nonetheless, "[i]t will be the rare case indeed which justifies the issuance of interlocutory mandamus relief." *Phillip Morris, Inc. v. Angeletti*, 358 Md. 689, 722 (2000). This is not such a case. In contrast, for example, to *Phillip Morris, Inc. v. Angeletti*, where the Court of Appeals issued a writ of mandamus to review and reverse an interlocutory order that erroneously certified an immense, costly, and time-consuming class action, there is no indication here that either Hartford or the legal system as a whole might suffer irreparable harm if we do not issue a writ of mandamus to review the challenged discovery orders. *See id*. To the contrary, like almost all discovery orders, the orders at issue in this case are fully reviewable on a final judgment from the merits.

"'[A] writ of mandamus will not be granted where the petitioner has a specific and adequate legal remedy to meet the justice of the particular case and where the law affords [another] adequate remedy." *Id*. at 712 (quoting *Brack v. Wells*, 184 Md. 86, 90-91 (1944)). Because this is not a case where mandamus is necessary "'to preserve the usefulness of [our] appellate jurisdiction'" (*In re Petition for Writ of Prohibition*, 312 Md. at 298, quoting *Thompson v. M'Kim*, 6 H. & J. 302, 333 (1823)), or a case where an appeal "'would be but as a shadow, pending which the substance might be lost'" but for the issuance of the writ (*id.*, quoting *Thompson v. M'Kim*, 6 H. & J. at 333)), or a case where mandamus makes "possible the review of a potentially unreviewable question" (*id*. at 299), this would not be an appropriate case for the issuance, even assuming we have

the power to issue one.

COSTS TO BE PAID BY PETITIONER.