

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 989

September Term, 2024

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KENRICK GODEN, *et al.*

v.

JOHN KALENDEK

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Shaw,  
Ripken,  
Meredith, Timothy E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: April 2, 2025

\*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.

In February 2023, John Kalendek, appellee, filed a complaint for breach of contract in the Circuit Court for Baltimore County against Kenrick and Crystal Goden, appellants. The circuit court ultimately issued a default judgment against the Godens, and in favor of Mr. Kalendek, in the amount of \$113,775.07. On April 25, 2024, the Godens filed a “Motion to Revise/Alter Default Judgments” (motion to revise) claiming that: (1) Mr. Kalendek’s “claim for damages [was] based on fraudulent misrepresentations of fact[;]” (2) “Crystal Goden . . . did not receive service of process[;]” and (3) they had a “strong defense to damages, and [would] be severely prejudiced by the permanent entry of the[] default judgments.” The court denied that motion on May 21, 2024.

On June 4, 2024, the Godens filed a notice of appeal. That appeal was docketed in this Court as Case No. 681, September Term, 2024. Mr. Kalendek filed a motion to strike that appeal as untimely, claiming that the appeal had been filed more than 30 days after the default judgment was entered, and that the motion to revise had not tolled the time to appeal. The Godens filed a response asserting, among other things, that the appeal had been timely as to the motion to revise. The circuit court granted Mr. Kalendek’s motion on July 5, 2024 and struck the Godens’ notice of appeal. Because the notice of appeal had been stricken, this Court “administratively closed” the appeal.

The Godens now appeal from the circuit court’s order striking their notice of appeal and raise two issues which reduce to one: whether the circuit court erred in striking their notice of appeal. For the reasons that follow, we shall reverse the judgment of the circuit court and reinstate the Godens’ first appeal.

Maryland Rule 8-203(a) permits a circuit court to strike a notice of appeal that has not been filed within the time prescribed by Maryland Rule 8-202. Rule 8-202(a), in turn, requires that a notice of appeal “be filed within 30 days after entry of the judgment or order from which the appeal is taken.” Here, the Godens’ motion to revise did not toll the time for them to appeal the April 5 default judgment, as it was filed more than 10 days after that judgment was entered. *Unnamed Att’y v. Att’y Grievance Comm’n*, 303 Md. 473, 486 (1985) (“A motion filed more than ten days after a judgment but within thirty days of the judgment, under Rule 2-535(a), . . . [has] no effect upon the running of the thirty-day appeal period.”). Consequently, we agree with Mr. Kalendek that their June 4 notice of appeal was untimely as to the default judgment.

Nevertheless, the notice of appeal was timely as to the court’s May 21 order denying the motion to revise. *See Bennett v. State Dep’t of Assessments and Tax’n*, 171 Md. App. 197, 203 (2006). And the denial of such a motion is appealable, although such an appeal “addresses only the issues generated by the revisory motion.” *Furda v. State*, 193 Md. App. 371, 377 n.1 (2010); *see also Pickett v. Noba, Inc.*, 114 Md. App. 552, 558-59 (1997) (noting that when the court denies a motion to revise under Rule 2-535(a), and the party appeals that denial more than thirty days after entry of the underlying judgment, the propriety of the underlying judgment is not before this Court).<sup>1</sup> Consequently, we

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<sup>1</sup> Mr. Kalendek takes issue with the Godens’ characterization of the motion as having been filed pursuant to Rule 2-535(b), as opposed to Rule 2-535(a). We need not resolve that issue in this appeal, however, because: (1) the filing of either type of motion more than 10 days after the entry of the default judgment would not have tolled the time to appeal from that judgment, and (2) the denial of either motion constitutes an appealable judgment.

reverse the circuit court’s order striking the Godens’ notice of appeal as having been untimely filed. We also shall reopen the appeal in this Court that was designated Case No. 681, September Term, 2024. However, in that appeal, the Godens may only raise issues related to the circuit court’s May 21, 2024, order denying their motion to revise.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE COUNTY STRIKING  
APPELLANT’S JUNE 4, 2024, NOTICE OF  
APPEAL IN APPELLATE COURT OF  
MARYLAND CASE NO. 681, SEPTEMBER  
TERM, 2024 REVERSED. APPEAL IN  
CASE NO. 681, SEPTEMBER TERM, 2024  
SHALL BE REOPENED BUT THAT  
APPEAL SHALL BE LIMITED TO THE  
CIRCUIT COURT’S MAY 21, 2024 ORDER  
DENYING THE MOTION TO REVISE.  
COSTS TO BE PAID BY APPELLEE.**