Circuit Court for Baltimore City
Case No. 24-D-10-002542

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1161

September Term, 2024

TIA LAVON BROWN

v.

NEBIYOU SEYOUM

Graeff,
Kehoe, S.,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 9, 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.

Tia Lavon Brown, appellant, and Nebiyou Seyoum, appellee, have been involved in an ongoing custody dispute involving their minor child, A.S. In 2024, appellant requested In Banc Review of two orders issued by the Circuit Court for Baltimore City, one of which denied her motion to have the custody case "removed" to the Jefferson County Family Court in Kentucky, and one of which denied her petition to modify custody and visitation. Following a hearing, the In Banc Panel issued an order on February 23, 2024, affirming both orders. Thereafter, appellant filed a timely motion for reconsideration. The same day she also filed a motion requesting that the entire In Banc Panel be disqualified "based on their involvement with the case through prior orders or proceedings" (motion to disqualify). On May 17, 2024, the In Banc Panel denied the motion for reconsideration. On June 21, 2024, the court denied the motion for disqualification as moot.

On July 24, 2024, appellant filed a motion to vacate the May 17 and June 21 orders, claiming that: (1) the orders did not "bear[] the clerk's entry stamp as required by Maryland Rules 1-324 and 2-601[,]" and (2) her motion to disqualify was not moot because it had been filed on the same day as the motion to reconsider. At 12:33 a.m. on August 12, 2024, appellant e-filed a notice of appeal which indicated that she was seeking to appeal the "In Banc Panel Memorandum Opinion and Order, Order Denying reconsideration, and Order Denying judges['] disqualification." Later that day, at approximately 4:15 p.m., the court signed separate orders which: (1) granted appellant's motion to vacate the June 21 order denying the motion for disqualification as moot, and (2) then denied the motion for disqualification on the merits. Those orders were entered on the docket on August 14, 2024.

Appellant's sole claim on appeal is that, having granted her motion to vacate, the court erred in denying her motion for disqualification on the merits without holding a hearing. For the reasons that follow, we shall dismiss the appeal.

This Court only has jurisdiction over an appeal when it is taken from a final judgment or is otherwise permitted by law. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 273-74 (2009). A final judgment is a judgment that "disposes of all claims against all parties and concludes the case." *Matter of Donald Edwin Williams Revocable Tr.*, 234 Md. App. 472, 490 (2017) (quotation marks and citation omitted). "An order will constitute a final judgment if the following conditions are satisfied: (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy; (2) it must adjudicate or complete the adjudication of all claims against all parties; and (3) the clerk must make a proper record of it on the docket." *Waterkeeper All., Inc. v. Md. Dep't of Agric.*, 439 Md. 262, 278 (2014) (internal quotation marks and citation omitted).

When appellant filed her notice of appeal, the circuit court had not issued the orders granting the motion to vacate and denying the motion to disqualify. Thus, appellant's notice of appeal was ineffective as to those orders. Moreover, Maryland Rule 8-602(f) does not save appellant's appeal as her notice of appeal was not "filed after the announcement or signing by the trial court of [its] ruling, decision, order, or judgment but before [its] entry . . . on the docket." Rather, it was filed before the court's orders were

announced or signed. Consequently, appellant's notice of appeal was premature as to those orders, and the appeal must be dismissed.[1]

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

[1] We note that there was an order issued by the circuit court within 30 days prior to appellant filing her notice of appeal, specifically a July 23, 2024, order which denied her "Motion for Emergency Hearing." But appellant does not raise any issues with respect to this order in her brief. Therefore, the validity of that order is not properly before us in this appeal.