

Circuit Court for Baltimore City  
Case No. 24-O-13-004935

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1222

September Term, 2017

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LORIANN KNIGHT

v.

JEFFREY B. FISHER, *et al.*  
SUBSTITUTE TRUSTEES

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Woodward, C.J.,  
Friedman,  
Moylan, Charles, E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 3, 2018

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

After Loriann Knight, appellant, defaulted on a deed of trust loan on her home, appellees, acting as substitute trustees, filed a foreclosure action in the Circuit Court for Baltimore City.<sup>1</sup> Knight’s home was sold at a foreclosure sale and the circuit court ratified the sale on December 3, 2015. Knight filed an appeal from the ratification order, which this Court dismissed as untimely on April 13, 2016.

Thereafter, appellees filed a “Motion for Protective Order” seeking to prohibit Knight from filing any new pleadings challenging the validity of the deed of trust, the validity of the sale, or the ratification of the sale without first obtaining leave from the circuit court. The circuit court granted appellees’ motion on July 7, 2016 (protective order). Knight attempted to appeal that order, but the circuit court struck her notice of appeal as having been untimely filed. Knight appealed from the order striking her notice of appeal and we affirmed. *Knight v. Fisher*, No. 1222, Sept. Term 2017 (filed March 7, 2018).

On May 16, 2017, appellees filed a motion to remove several substitute trustees who had resigned from their employment and to appoint new substitute trustees in their stead. In response, Knight filed a “Motion to Strike Removal and Substitution of Trustees” and an “Addendum to: Motion to Strike Removal and Substitution of Trustees” (motions to strike). The circuit court granted appellees’ motion to remove substitute trustees on June 13, 2017. It then issued a separate order on July 17, 2017, declining to rule on Knight’s motions to strike because she had failed to comply with the protective order. Knight filed

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<sup>1</sup> Appellees are Jeffrey B. Fisher, Doreen A. Strothman, Virginia S. Inzer, Thomas C. Valkenet, and Carletta M. Grier.

a notice of appeal from that order on August 16, 2017. For the reasons that follow, we dismiss the appeal.

Generally, “a party may appeal only from a final judgment.” *St. Joseph Med. Ctr., Inc. v. Cardiac Surgery Assocs.*, 392 Md. 75, 84 (2006) (internal quotation marks and citation omitted). To constitute a final judgment, a ruling of the court must have various attributes, among them that the judgment must be intended by the court to be an unqualified, final disposition of the matter in controversy and it must adjudicate all claims against all parties. *Rohrbeck v. Rohrbeck*, 318 Md. 28, 41 (1989). Here, the foreclosure case is still pending in the circuit court and the court has not yet referred the matter to an auditor to state an account pursuant to Maryland Rule 14-305(f). Consequently, no final judgment has been entered from which Knight can file a timely appeal. *See Baltimore Home All., LLC v. Geesing*, 218 Md. App. 375, 383 n.5 (2014) (noting that the circuit court’s involvement with the property and the parties in a foreclosure action is not complete until the court ratifies the sale and rules on any exceptions to the auditor’s report).<sup>2</sup>

Moreover, the court’s decision is not an appealable interlocutory order under Section 12-303 of the Courts and Judicial Proceedings Article of the Maryland Code (1973, 2013 Repl. Vol.), because none of its exceptions apply to this case. Finally, the requirements of the collateral order doctrine have not been met because the denial of

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<sup>2</sup> Even if we were to assume that the removal of a substitute trustee constituted a final disposition of the matter in controversy, it would be the court’s June 13, 2017, order granting appellees’ motion to remove the substitute trustees that would constitute the final judgment, not its subsequent order declining to consider Knight’s motions to strike. And Knight did not file a timely notice of appeal from the June 13, 2017, order.

Knight’s motions to strike can be effectively reviewed following the entry of a final judgment. *See Maryland Bd. of Physicians v. Geier*, 451 Md. 526, 546 (2017) (noting that the collateral order doctrine is a “narrow exception” to the final judgment rule that requires the interlocutory order being appealed to satisfy four requirements, including that “the issue [decided] would be effectively unreviewable if the appeal had to await the entry of a final judgment”).

**APPEAL DISMISSED. COSTS TO BE PAID  
BY APPELLANT.**