

Circuit Court for Prince George's County
Case No. CAD1912362

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1373

September Term, 2020

AMANDA BARRETT BLAKE

v.

MICHAEL BLAKE

Graeff,
Arthur,
Harrell, Glenn T., Jr.,
(Senior Judge, Specially Assigned),
JJ.

Opinion by Arthur, J.

Filed: September 14, 2021

*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.

In an order entered on January 7, 2021, the Circuit Court for Prince George’s County granted the parties an absolute divorce, reaffirmed a prior order regarding custody of the parties’ two minor children, and required appellant Andrea Barrett Blake to transfer her interest in the marital home to Mr. Blake. The order further “ORDERED, that the Defendant,” Ms. Barrett Blake, pay “child support for the minor children, pursuant to the Maryland Child Support Guidelines, beginning January 1, 2021[.]” The order, however, did not establish the amount of child support to be paid.

On February 5, 2021, Ms. Barrett Blake filed a notice of appeal.

On February 11, 2021, the circuit court entered an order requiring Ms. Barrett Blake to pay child support in the amount of \$747 per month, commencing and accounting from the first day of 2021. Within 10 days after the entry of the child support order, Ms. Barrett Blake filed a motion for reconsideration, which the court denied. Ms. Barrett Blake did not file a notice of appeal at any time after the entry of the child support order on February 11, 2011.

By statute, “a party may appeal from a final judgment entered in a civil . . . case by a circuit court.” Md. Code (1974, 2020 Repl. Vol.), § 12-301 of the Courts and Judicial Proceedings Article. To qualify as a final judgment, an order “must be ‘so final as either to determine *and conclude* the rights involved or to deny the appellant the means of further prosecuting or defending his or her rights and interests in the subject matter of the proceeding.’” *Metro Maint. Sys. South, Inc. v. Milburn*, 442 Md. 289, 299 (2015) (quoting *Rohrbeck v. Rohrbeck*, 318 Md. 28, 41 (1989)) (emphasis in original); *accord Monarch Acad. Baltimore Campus, Inc. v. Baltimore City Bd. of Sch. Comm’rs*, 457 Md.

1, 43 (2017); *In re D.M.*, 250 Md. App. 541, 555 (2021); *Huertas v. Ward*, 248 Md. App. 187, 200 (2020). “In other words, the order ‘must be a complete adjudication of the matter in controversy, except as to collateral matters, meaning that there is nothing more to be done to effectuate the court’s disposition.’” *Huertas v. Ward*, 248 Md. App. at 201 (quoting *Metro Maint. Sys. South, Inc. v. Milburn*, 442 Md. at 299); accord *In re D.M.*, 250 Md. App. at 555. Generally, “an order or other form of decision, however designated, that adjudicates fewer than all of the claims in an action . . . or that adjudicates less than an entire claim . . . is not a final judgment[.]” Md. Rule 2-602(a).

When Ms. Barrett Blake filed her notice of appeal, the court had not yet fully adjudicated the issue of child support, because it had not yet quantified the amount of child support that she would be required to pay. Therefore, Ms. Barrett Blake appealed before the entry of the final judgment. Because Ms. Barrett Blake did not note a second appeal after the court had entered its final judgment, her appeal was premature. A premature notice of appeal generally has no force or effect. *Doe v. Sovereign Grace Ministries*, 217 Md. App. 650, 662 (2014) (citing *Jenkins v. Jenkins*, 112 Md. App. 390, 408 (1996)).

The Maryland Rules contain savings provisions for some premature appeals, but none of those provisions apply here. For example, under Md. Rule 8-602(f), “[a] notice of appeal filed after the announcement or signing by the trial court of a ruling, decision, order, or judgment but before entry of the ruling, decision, order, or judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.” This rule might have saved Ms. Barrett Blake’s appeal had she noted her appeal after the

court had quantified the amount of child support that she was required to pay, but before the clerk had entered the court’s ruling on the docket. The rule does not save the appeal in this case, where Ms. Barrett Blake noted her appeal long before the court quantified the amount of child support that she was required to pay.

The Court of Appeals has identified three exceptions to section 12-301’s finality requirement: (1) appeals from interlocutory orders specifically allowed by statute; (2) immediate appeals permitted under Maryland Rule 2-602(b); (3) and appeals from interlocutory rulings allowed under the collateral order doctrine. *In re C.E.*, 456 Md. 209, 221 (2017). Those exceptions are inapplicable here.

First, although an interlocutory order requiring a party to pay child support is immediately appealable under section 12-303(3)(v) of the Courts and Judicial Proceedings Article (*see Simmons v. Perkins*, 302 Md. 232, 235 (2002)), this provision does not authorize appeals until the court has actually determined the amount of money to be paid. Second, the circuit court did not direct the entry of a final judgment as to fewer than all claims in the case under Md. Rule 2-602(b). Nor could the circuit court have properly done so, because the record lacked any basis to conclude that there was “no just reason for delay” of the appeal until after the court completed its determination of Ms. Barrett Blake’s child support obligation, which was imminent. Because the circuit court could not have properly directed the entry of judgment as to fewer than all claims, this Court cannot do so on its own initiative under Md. Rule 8-602(g). Finally, the collateral order doctrine is inapplicable because the orders from which Ms. Barrett Blake appealed

are by no means separate from the merits of the case (i.e., they are by no means “collateral”).

In the interlocutory order of January 7, 2021, the circuit court required Ms. Barrett Blake to convey her interest in the marital home to her former husband. To that extent, the order is arguably an interlocutory order “[f]or the sale, conveyance, or delivery of real . . . property, from which Ms. Barrett Blake could take an immediate appeal under section 12-303(3)(v) of the Courts and Judicial Proceedings Article.” In her brief, however, Ms. Barrett Blake does not take issue with the order requiring her to convey her interest in the marital home. Hence, by failing to include any argument about the issue in her brief, she has abandoned it. *See* Md. Rule 8-504(6) (a brief must contain “[a]rgument in support of the party’s position on each issue”); *see also Hartford Accident & Indem. Co. v. Scarlett Harbor Assocs. Ltd. P’ship*, 109 Md. App. 217, 288 n.18 (1996). Her concern is evidently not with the order requiring her to convey her interest in the marital home, but with the overall division of marital property, which she can challenge only on an appeal from a final judgment. Because she did not file a timely notice of appeal after the entry of the final judgment, we have no power to review her complaint about the division of marital property or any other issue encompassed in the final judgment, including the court’s decision not to award alimony and the court’s computation of the amount of child support.

Accordingly, this appeal must be dismissed under Maryland Rule 8-602(b), which provides that this Court “shall dismiss an appeal if: (1) the appeal is not allowed by these

Rules or other law; or (2) the notice of appeal was not filed with the lower court within the time prescribed by Rule 8-202.”

APPEAL DISMISSED; COSTS TO BE PAID BY APPELLANT.