Circuit Court for Washington County
Case No. C–21–CV–23–000036

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1502

September Term, 2024

JUSTIN K. HOLDER, *et al.*,

v.

BENJAMIN N. ESTES, *et al.*

Nazarian,
Albright,
Kenney, James A. III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: December 18, 2025

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Justin Holder, Deena Holder, and Uncle Eddies Brokedown Palace, LLC ("Uncle Eddies") seek to appeal from an order of the Circuit Court for Washington County dated September 30, 2024. Unfortunately, they can't: the judgment from which they seek to appeal isn't final because not all claims as to all parties have been resolved—at a minimum, Mr. Holder's Count One from the Second Amended Complaint remains unresolved against Uncle Eddies. And because the appealed judgment isn't final, we lack jurisdiction to consider this appeal and must dismiss it.

I. BACKGROUND

Although the underlying disputes have begotten numerous proceedings and appeals, only a narrow slice of that history is relevant to this appeal.

Mr. Holder filed a complaint against a host of parties, including Uncle Eddies, on January 21, 2023. He superseded the initial complaint with a Second Amended Complaint on October 5, 2023. The Second Amended Complaint asserted three counts. Count One ("Indemnity for Article 19 Damages Related to Fraudulent Concealment, Deceit and/or Intentional Misrepresentation") named Uncle Eddies among a group of defendants.

After a flurry of motions practice, the circuit court held a hearing on March 8, 2024. The court heard extensive argument from all of the parties except Uncle Eddies, which was mentioned frequently but was neither present nor represented. In the course of the hearing, the court made a number of oral rulings that included express dismissals of all the counts against all of the defendants except Uncle Eddies. In fact, the court took care to expressly exclude Uncle Eddies from its oral dismissal of Count One.

The court memorialized the rulings from this hearing, as well as some others, in a written order dated September 30, 2024. And importantly, that order acknowledged again, and in so many words, that Uncle Eddies remained as a defendant as to Count One:

> ORDERED that, on March 8, 2024, based on Plaintiff Holder's representations and admissions at a hearing on that date, this Court dismissed with prejudice Count One of the Second Amended Complaint, which Plaintiff Holder styled as "Indemnity for Article 19 Damages Related to Fraudulent Concealment, Deceit and/or Intentional Misrepresentation," as to then-Defendants Frederick, Benjamin Estes, Lisa Estes and Keedysville, *leaving only* [*Uncle Eddies*] *as a Defendant on Count One* (See the March 8, 2024, hearing transcript at pp. 89:16 to 90:20; 126:18-20)

(emphasis added). Mr. Holder noted this appeal on the same day the written order issued, September 30, 2024.

We supply additional facts below as relevant to our analysis.

II. DISCUSSION

The parties seek to raise a host of questions in their briefs. Unfortunately, none of those questions is before us properly because the judgment from which they appeal isn't final.

The right to appeal exists only where granted by statute. *Mayor & City Council of Balt. v. ProVen Mgmt., Inc.*, 472 Md. 642, 665 (2021) (". . . appellate jurisdiction is 'determined entirely by statute,' and therefore, a right of appeal only exists to the extent it has been 'legislatively granted.'" (*quoting Gisriel v. Ocean City Bd. of Supervisors of Elections*, 345 Md. 477, 485 (1997))). In general, a party can appeal only from a final judgment, absent certain narrow exceptions. Md. Code (1974, 2020 Repl. Vol.) § 12-301

of the Courts & Judicial Proceedings Article. A final judgment is one that "disposes of all claims against all parties," *Silbersack v. ACandS, Inc.*, 402 Md. 673, 678 (2008) (citation omitted), and if even one claim from one plaintiff against one defendant remains unresolved, the judgment isn't final and appeal is premature. *See id*. (*citing* Md. Rule 2-602(a)).

Throughout the March 8 hearing both Mr. Holder and the court referred repeatedly, if confusingly, to Mr. Holder's claim against Uncle Eddies, Mr. Holder's potential status as Uncle Eddies's alter ego, and the future resolution of those claims. At one point, the court acknowledged that it "couldn't possibly" resolve the ownership of Uncle Eddies "today without Uncle Eddies being here" and that "ultimately what's going to happen today . . . if you all are successful, the only thing that's left in the case is [Mr. Holder's] suit against Uncle Eddies." As the court crystallized its rulings, it recognized expressly that it was dismissing Count One "based upon the admission . . . from the Plaintiff . . . as to each and every Defendant except Uncle Eddies . . . ." And again, as it orally summarized its decisions, the court listed the defendants being dismissed as to Count One and acknowledged that any defendant(s) not named weren't affected:

> Just so we're clear, count one is dismissed with prejudice against Mayor and Council of Keedysville, a.k.a., the Town of Keedysville, Mr. and Mrs. Estes and Frederic M. Frederick and Frederick Siebert and Associates, Incorporated. *Any other remaining Defendants are not affected by that ruling*.

(emphasis added). Mr. Holder even asked the court orally to certify the case under Maryland Rule 2-602(b)—presumably arguing that there was no just reason to delay entry

of final judgment against fewer than all of the parties, *see* Md. Rule 2-602(b)(1)[1]—but the court told Mr. Holder to "[m]ove on" and the subject never came back up.

It's true that the final line of the written Order states that "this Order is a final judgment as to all Counts in this Action." But nothing else in the Order resolved or addressed Mr. Holder's Count One claim against Uncle Eddies, nor did any further rulings or orders relating to Count One or Uncle Eddies follow, nor were there any other filings (such as, for example, a voluntary dismissal of claims against Uncle Eddies) relating to Count One or Uncle Eddies. As best we can discern, Count One of the Second Amended Complaint remains against Uncle Eddies and has not been dismissed or otherwise resolved, and the final line of the written Order was not express enough to indicate an intent to certify partial final judgment under 2-602(b) in contradiction of the court's intent at the hearing to "[m]ove on[.]"

Therefore, at least one claim remains between one plaintiff and one defendant: Mr. Holder's claim in Count One against Uncle Eddies. Were we able to see an unambiguous intent on the part of the circuit court or Mr. Holder to dismiss the lingering claim and, therefore, that the absence of a final judgment as to Uncle Eddies was more a clerical issue

[1] "Maryland Rule 2-602(b)(1) provides, in relevant part, that '[i]f the court expressly determines in a written order that there is no just reason for delay, it may direct in the order the entry of a final judgment . . . as to one or more but fewer than all of the claims or parties[.]'" *Rovin v. State*, 488 Md. 144, 171 n. 13 (2024) (quoting rule text).

than a decisional one, we might be able to resolve it via Rule 8-602(g)(1)(C)[2]. But in this case, both the court and Mr. Holder took considerable care to recognize at least the prospect that Mr. Holder's claim against Uncle Eddies was viable and, therefore, not to dismiss it as part of the motions before it. The language from the written Order supports this understanding: ". . . [this Order] leav[es] only [Uncle Eddies] as a Defendant on Count One[.]"

The judgment brought before us, then, is neither final, nor partially final, nor resolvable, and we dismiss the appeal. We express no views on the merits of Mr. Holder's claim against Uncle Eddies or any of the other issues that the parties have sought to raise.

APPEAL DISMISSED. APPELLANT TO PAY COSTS.

[2] "If the appellate court determines that the order from which the appeal is taken was not a final judgment when the notice of appeal was filed but that the lower court had discretion to direct the entry of a final judgment pursuant to Rule 2-602(b), the appellate court, as it finds appropriate, may . . . enter a final judgment on its own initiative . . . ." Md. Rule 8-602(g)(1)(C). However, it is considered inappropriate to do so if the circuit court was asked to enter partial final judgment under 2-602(b) and declined. *See, e.g., Waterkeeper Alliance, Inc. v. Maryland Dept. of Agriculture*, 439 Md. 262 (2014).