

Circuit Court for Howard County
Case No. 13-C-07-069573

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2826

September Term, 2018

LUBNA KHAN

v.

ZUBAIR ARIF KAHN NIAZI

Nazarian,
Shaw Geter,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 12, 2020

*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.

Lubna Kahn, appellant, and Zubair Niazi, appellee, divorced in 2010. Approximately four years later, they reached an agreement regarding the disposition of their marital home, and the Circuit Court for Howard County entered an order incorporating that agreement. Since that order was issued, the parties have been involved in ongoing litigation regarding the terms of that order, specifically whether Ms. Khan was required to refinance the property to remove appellee from the loan.

On October 12, 2018, Ms. Khan filed a “Renewed Motion/Demand for Disqualification/Recusal,” wherein she requested that the “Honorable Judge William Tucker be removed and disqualified as judge.”¹ Mr. Niazi filed an opposition and requested the court to award him attorney’s fees for having to respond to the motion. On November 7, 2018, the court entered an order denying the renewed motion for recusal and granting Mr. Niazi “reasonable counsel fees and costs” in an amount to “be determined by the Court upon the submission of a Fee Affidavit with supporting documentation.” Ms. Khan filed a notice of appeal from that order, raising four issues which reduce to one: whether the court abused its discretion in denying her renewed motion for recusal. For the reasons that follow, we shall 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

¹ Ms. Khan filed her first motion to recuse on September 3, 2018. The court denied that motion on October 5, 2018.

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 denial of Ms. Khan’s motion to recuse was an interlocutory order that was not immediately appealable. *See Breuer v. Flynn*, 64 Md. App. 409, 415 (1985) (“[T]he trial judge’s refusal to disqualify or recuse himself . . . is not a final judgment . . . [n]or . . . the type of interlocutory order from which a party may immediately appeal.”). Similarly, because the court did not award counsel fees in a specified amount, Ms. Khan did not have a right to appeal from that portion of the order. *See Maryland Nat’l Capital Park & Planning Comm’n v. Crawford*, 59 Md. App. 276, 304 (1984) (holding that notice of appeal filed after court retained jurisdiction to decide collateral issue of fee petition but before court awarded attorney’s fees in particular amount did not permit appellants to challenge award of attorney’s fees). That is because until the court actually decides to award fees and costs in some specific amount, the issue of Mr. Niazi’s entitlement to them remains interlocutory and hence, subject to revision. *See Gertz v. Anne Arundel County*, 339 Md. 261, 272-73 (1995). Because the court’s November 7, 2018 order was not a final judgment and not an appealable interlocutory order, the appeal must be dismissed.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.