

Circuit Court for Baltimore County  
Case No.: C-03-CV-21-004275

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 1289

September Term, 2022

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ISAAC D. EVANS

v.

EBONEE M. ROBINSON

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Nazarian,  
Tang,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: April 27, 2023

\*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

\*\*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.

Isaac D. Evans, appellant, sued Ebonee M. Robinson, appellee, in the Circuit Court for Baltimore County, alleging breach of contract. On July 14, 2022, the circuit court entered a judgment in favor of Robinson. Twenty days later on August 3, Evans filed a Motion to Revise, which the court denied on August 25 as “[un]timely pursuant to Md. Rule 2-534.” On September 1, Evans filed a second Motion to Revise arguing that the court improperly denied his first one because, though untimely under Rule 2-534, it was timely under Rule 2-535. On September 22, the court denied this second motion. On September 28, 76 days after entry of the final judgment and 34 after denial of his first revisory motion, Evans noted this appeal.

Maryland Rule 8-202 requires that a notice of appeal be filed “within 30 days after entry of the judgment or order from which the appeal is taken.” A timely postjudgment motion to alter or amend filed within 10 days under Rule 2-534 will toll this deadline; one filed after 10 but within 30 days under Rule 2-535(a) will not. *See Leese v. Dep’t of Lab., Licensing and Regul.*, 115 Md. App. 442, 445 (1997); Md. Rule 8-202(c).

Here, the circuit court entered its judgment on July 14. Evans did not file any motion within ten days, so the deadline for him to note an appeal from the July 14 Order was August 15. He did not do so, and his appeal is therefore untimely.

Evans did, however, file a motion under Rule 2-535, which the circuit court deemed untimely. But instead of noting an appeal from the August 25 Order, Evans filed a second revisory motion and only noted his appeal after it was denied, which was more than 30 days after the order denying his first motion. Although his notice was timely as to the denial of the second revisory motion, “[t]he denial of [a] second motion to revise is not appealable

because it is not a final judgment.” *Pickett v. Noba, Inc.*, 114 Md. App. 552, 560 (1997) (noting that a “second motion to revise filed more than [30] days after the entry of judgment, even though within [30] days after denial of the first motion, cannot be granted”). Consequently, under Rule 8-602(b)(2), we shall dismiss the present appeal as untimely filed.

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