

Circuit Court for Prince George's County
Case No. CAL19-37709

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 78

September Term, 2022

CHARLENE MAHONEY

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS

Nazarian,
Ripken,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 27, 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.

Charlene Mahoney, appellant, was employed by Prince George’s County Public Schools, appellee. In 2019, appellee filed a civil action against appellant, claiming that it had overpaid her \$63,237.81 for unapproved overtime and that she had refused to reimburse that money. Shortly thereafter, appellant was indicted for theft scheme based on the same allegations. Because the criminal case involved identical issues, the civil case was continued until March 2022.

In August 2021, appellant was convicted of theft scheme between \$25,000 and \$100,000. At sentencing, the court ordered her to “make restitution in the amount of \$63,237.81 payable to Prince George’s County Board of Education.” Appellant filed a timely notice of appeal from that judgment.¹ In February 2022, appellant filed a motion to dismiss the civil case because the order of restitution entered in the criminal case was for the same amount of money and had already been indexed as civil judgment. Appellee filed an opposition, claiming that if appellant’s conviction was overturned on appeal, it would be left without a remedy because the statute of limitations would bar it from re-filing suit. The court denied the motion to dismiss without a hearing. Appellant now appeals, raising a single issue: whether the court erred in denying her motion to dismiss. Appellee has filed a motion to dismiss the appeal as premature. For the reasons that follow, we shall grant the motion to dismiss.

¹ This Court recently affirmed her conviction. *See Mahoney v. State*, No. 1079, Sept. Term 2021 (filed August 25, 2021).

This Court only has jurisdiction over an appeal when it is taken from a final judgment or is otherwise permitted by law. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 273-74 (2009). A final judgment is a judgment that “disposes of all claims against all parties and concludes the case.” *Matter of Donald Edwin Williams Revocable Tr.*, 234 Md. App. 472, 490 (2017) (quotation marks and citation omitted). “An order will constitute a final judgment if the following conditions are satisfied: (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy; (2) it must adjudicate or complete the adjudication of all claims against all parties; and (3) the clerk must make a proper record of it on the docket.” *Waterkeeper All., Inc. v. Maryland Dep’t of Agric.*, 439 Md. 262, 278 (2014) (internal quotation marks and citation omitted). There are only three exceptions to the final judgment requirement: appeals from interlocutory orders specifically allowed by statute; immediate appeals permitted under Maryland Rule 2-602(b); and appeals from interlocutory rulings permitted under the common law collateral order doctrine. *Johnson v. Johnson*, 423 Md. 602, 607 (2011).

Here, the circuit court’s order denying the motion to dismiss did not finally resolve appellee’s claim against appellant. Consequently, no final judgment had been entered when appellant filed his notice of appeal from that order. Moreover, no exception to the final judgment rule applies. Consequently, we must dismiss the appeal as premature.

**APPELLEE’S MOTION TO DISMISS
APPEAL GRANTED. COSTS TO BE
PAID BY APPELLANT.**