

Circuit Court for Montgomery County
Case No. 407823-V

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 328

September Term, 2017

NVS CUTS, LLC, *et al.*

v.

JESSALYNN & COMPANY, LLC

Woodward, C.J.,
Fader,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 31, 2018

*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.

On March 22, 2017, the Circuit Court for Montgomery County entered an order (1) holding NVS Cuts, LLC; F.I.T. 4 Pole, LLC; and Nichole Verley in contempt of court; (2) ordering Verley to be incarcerated for two nights unless she purged the contempt; and (3) entering a judgment against all three parties, jointly and severally, in the amount of \$5,200.¹ On April 21, 2017, NVS Cuts, LLC and F.I.T. 4 Pole, LLC filed a notice of appeal through counsel. The notice of appeal was not signed by Verley and did not list her name as one of the parties appealing. Verley also did not file a separate notice of appeal.

On January 2, 2018, Verley filed a brief on behalf of herself, NVS Cuts, LLC, and F.I.T. 4 Pole, LLC, after having filed a record extract for all appellants in December 2017. Verley, who is not an attorney, signed the briefs and record extracts in her own name. On February 13, 2018, this Court dismissed the appeal as to NVS Cuts, LLC and F.I.T. 4 Pole, LLC because no attorney had filed a brief or record extract on behalf of those entities as required by Maryland Rule 8-402(a)(2). For the reasons that follow, we now dismiss the appeal.

A party in the trial court must file a timely notice of appeal from an appealable judgment to confer upon an appellate court subject matter jurisdiction over that party's appeal. *See, e.g., Houghton v. County Commissioners of Kent County*, 305 Md. 407, 413 (1986) (“The requirement . . . that an order of appeal be filed within thirty days of a final

¹ To purge the contempt, Verley was required to cease the operation of her pole dancing fitness studio in Alexandria, Virginia. The studio had been operated first by NVS Cuts, LLC and then by F.I.T. 4 Pole, LLC. Verley was the sole member of both limited liability corporations.

judgment is jurisdictional; if the requirement is not met, the appellate court acquires no jurisdiction and the appeal must be dismissed”); Maryland Rule 8–201(a). Here, counsel did not file a notice of appeal on behalf of Verley. Also, Verley herself did not, *pro se*, file a notice of appeal and she did not sign the notice of appeal filed by counsel. Consequently, she is not a proper party to this appeal. *See In re Nichol B.*, 410 Md. 33, 62 (2009) (holding that one of the respondents in the circuit court did not have a right to appeal where her attorney did not file an appeal on her behalf, she did not file a notice of appeal, and she did not sign the notice of appeal filed by her husband, who was also a respondent); *Floyd v. Mayor and City Counsel of Baltimore*, 179 Md. App. 394, 427 (2008) (noting that the failure of a *pro se* individual to sign the notice of appeal disqualifies them as an appellant). Because we lack subject matter jurisdiction to hear Verley’s appeal, and all other appellants have already been dismissed, we dismiss the appeal.

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