

Circuit Court for Montgomery County
Case No. C-15-CV-21-000045

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 360

September Term, 2022

DHANARAT YONGVANICHJIT

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

Kehoe,
Beachley,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 28, 2022

* 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.

Dhanarat Yongvanichjit, appellant, filed a complaint with the Maryland Insurance Administration (MIA) alleging that State Farm Mutual Automobile Insurance Company, appellee, had violated the Maryland Insurance Article by (1) giving him a good driver discount as opposed to an accident-free discount; (2) failing to send him a waiver for uninsured motorist coverage and then charging him the uninsured motorist coverage rate; and (3) charging him the wrong premium for his vehicle. Following an evidentiary hearing before the Office of Administrative Hearings, an Administrative Law Judge issued a proposed order concluding that appellee had not violated the Insurance Article in the handling of appellant’s policy. The proposed order was adopted by the Insurance Commissioner as its final order.

Appellant filed a petition for judicial review in the Circuit Court for Montgomery County. Appellee subsequently filed a motion to dismiss the petition on the grounds that appellant had failed to timely file a transcript of the administrative hearing with the court. The court granted that motion on February 23, 2022. Eight days later, appellant filed a motion for reconsideration, asserting that a transcript was unnecessary because he had included a “statement of facts” in lieu of a transcript in his memorandum, as allowed by Maryland Rule 7-206. Appellee filed an opposition, noting that “a statement in Lieu of Record” under that Rule required the statement of facts to either be agreed upon and signed by the parties or approved by the MIA, neither of which had occurred. On March 22, 2022, appellant also filed a motion for extension of time to allow him an additional 60 days to file a transcript. The court denied appellant’s motion for reconsideration on March 24,

2022. It then denied his motion for extension of time to file the transcript as moot on April 1, 2022.

Appellant filed his notice of appeal on April 28, 2022. On appeal, he contends that because he filed a “statement in Lieu of Record” he was not required to file a copy of the transcript with the court. For this reason, he asserts that the circuit court erred in dismissing the petition for judicial review and denying his motion for reconsideration. Appellee has moved to dismiss the appeal as untimely filed. For the reasons that follow, we shall grant the motion to dismiss.

Maryland Rule 8-202 provides that a party must file his or her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” That 30-day deadline is tolled when a motion to alter or amend judgment under Md. Rule 2-534 is filed within ten days of the entry of judgment. *See* Md. Rule 8-202(c).

Here, the court entered its final judgment dismissing the petition for judicial review on February 23, 2022. Because appellant filed a motion for reconsideration within ten days of that order being entered, his time to file a notice of appeal was tolled until the motion for reconsideration was resolved. That motion was denied by the circuit court on March 24, 2022. Therefore, to obtain appellate review of the orders dismissing his petition for judicial review and denying his motion for reconsideration, appellant was required to file

his notice of appeal no later than April 25, 2022. Consequently, his April 28, 2022, notice of appeal was untimely and the appeal must be dismissed.¹

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

¹ We note that appellant filed a motion for extension of time on March 22, 2022. However, even if we were to construe this as a second motion for reconsideration it would not have tolled the time for appellant to file his notice of appeal from either the final judgment or the order denying his motion for reconsideration. *See Leese v. Dep’t of Lab., Licensing and Regul.*, 115 Md. App. 442, 445 (1997) (noting that a party cannot obtain additional extensions of the deadline to appeal by filing a series of successive motions to alter or amend the previous motion’s denial). Moreover, while appellant’s notice of appeal was timely as to the court’s order denying his motion for extension of time, he does not raise any issues in his brief with respect to that order. Therefore, the validity of that order is not properly before us. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (quotation marks and citation omitted)). In any event, because the court had already dismissed the petition for judicial review and denied appellant’s motion for reconsideration, the court did not abuse its discretion in denying appellant’s belated motion for extension of time to file the transcript as moot.