

Circuit Court for Allegany County  
Case No. C-01-CV-21-000290

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 565

September Term, 2022

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STEPHEN NOLAN

v.

HOLLY PIERCE, *et al.*

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Friedman,  
Albright,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 7, 2023

\*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.

\*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.

Stephen Nolan, appellant, is an inmate at North Branch Correctional Institution (NCBI). In December 2021, he filed a complaint in the Circuit Court for Allegany County against appellees Jeff Nines, the warden of NCBI, and Holly Pierce, a nurse practitioner employed by the State’s private contractor that provides inmate medical care. In that complaint, Mr. Nolan alleged that Ms. Pierce had been negligent in ignoring his requests for surgery to address issues with his back and leg and that Mr. Nines had failed to investigate his complaints about Ms. Pierce and failed to fulfill his responsibility to ensure his health and wellbeing. As relief, Mr. Nolan sought \$10,000 in damages and a transfer to a different prison.

Mr. Nines filed a motion to dismiss the complaint on the grounds that he was immune from suit; that the trial court lacked jurisdiction because appellant had failed to exhaust his administrative remedies; and that the complaint failed to state a claim for relief for which relief could be granted as to him. The court subsequently granted the motion and dismissed the complaint “as to Defendant Jeff Nines” only. This appeal followed. On appeal, Mr. Nolan contends that the court erred in granting the motion to dismiss. Mr. Nines has filed a motion to dismiss the appeal on the grounds that it was taken from a non-appealable interlocutory order. For the reasons that follow, we shall grant the motion to dismiss the appeal.

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). Maryland Rule 2-602(a) makes clear that a judgment that does not dispose of all claims by and against all parties is not a final judgment. Specifically, it provides:

(a) Generally. Except as provided in section (b) of this Rule, an order or other form of decision, however designated, that adjudicates fewer than all of the claims in an action (whether raised by original claim, counterclaim, cross-claim, or third-party claim), or that adjudicates less than an entire claim, or that adjudicates the rights and liabilities of fewer than all the parties to the action:

(1) is not a final judgment;

(2) does not terminate the action as to any of the claims or any of the parties; and

(3) is subject to revision at any time before the entry of a judgment that adjudicates all of the claims by and against all of the parties.

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 dismissing Mr. Nines from the case did not resolve appellant’s claims against Ms. Pierce. 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. And under the circumstances presented, we decline to exercise our discretion and enter a final judgment pursuant to Maryland Rule 8-602(g)(1)(C). Consequently, we shall grant the motion to dismiss the appeal.

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