

Circuit Court for Montgomery County  
Case No. 462207

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 582

September Term, 2020

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2200 14<sup>TH</sup> STREET INC., *et al.*

v.

JEMALS 14<sup>TH</sup> STREET LUMENS, LLC

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Fader, C.J.  
Ripken,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 9, 2021

\*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.

In January 2019, appellee, Jemal’s 14<sup>th</sup> Street Lumens, LLC, filed a complaint against 2200 14<sup>th</sup> Street, Inc., Madiou Williams, and Ruth Williams, appellants, in the Circuit Court for Montgomery County raising claims of breach of a lease agreement and failure to honor a personal guaranty. Appellants subsequently asserted a third-party complaint against Ultimate Franchises, Inc. (UFI), claiming that it had breached their franchise agreement and prevented them from operating their business on the leased premises. Appellants effected service on UFI on June 5, 2019, and UFI did not file an answer or a responsive pleading. The case proceeded to a bench trial on the merits of appellee’s complaint against appellants, and on November 22, 2019, the court entered an order granting a money judgment and an award of attorney’s fees. Later, on January 15, 2020, the court entered an order of default against UFI. However, it never entered a default judgment. Rather, appellants’ claims against UFI were subsequently stayed pending the resolution of UFI’s bankruptcy case in the United States Bankruptcy Court.

On May 19, 2020, appellants filed a Maryland Rule 2-535(b) motion, claiming that the Clerk had failed to send them a copy of November 22 Notice of Judgment. In that motion, appellants requested that the court vacate the November 22 judgment, and to enter a new judgment, so that they could file a timely notice of appeal. The court denied the motion without a hearing. This appeal followed.

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*

*Trust*, 234 Md. App. 472 (2017) (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 Alliance, Inc. v. Maryland Dept. of Agriculture*, 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 of 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 November 22 order did not resolve appellant’s third-party complaint against UFI. Consequently, no final judgment has been entered in this case.<sup>1</sup> Moreover, no exception to the final judgment rule applies. And although appellee requests that we exercise our discretion and enter a final judgment pursuant to Maryland Rule 8-602(g)(1)(C), we decline to do so under the circumstances presented. Consequently, we must dismiss the appeal.<sup>2</sup>

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

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<sup>1</sup> Although we hold that no final judgment has been entered in this case, we decline to address appellants’ claim that the November 22, 2019 order is “unenforceable.” To the extent that appellants take issue with any order issued by the court to enforce the November 22, 2019 order, they must file a notice of appeal from such order.

<sup>2</sup> We note that this dismissal is without prejudice to appellee requesting the circuit court to direct entry of a final judgment pursuant to Maryland Rule 2-602(b). If that motion is granted, appellant may file a new notice of appeal.