

Circuit Court for Prince George's County
Case No. CAL19-28203

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 687

September Term, 2024

BRYSON ENTERPRISES, INC., *et al.*

v.

PAUL ANTHONY WELLS

Reed,
Tang,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: October 21, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal arises out of the attempted repossession of Paul Wells’s (“Wells”) riding lawnmower by George Sanner (“Sanner”) and Kevin Herbert (“Herbert”). In September 2019, Wells filed a complaint in the Circuit Court for Prince George’s County against Herbert and Sanner; their employer, Bryson Enterprises, Inc., d/b/a Charley’s Crane Services (“Charley’s”); and the corporation that had subcontracted Charley’s to perform the repossession, Alternative Collections, LLC, d/b/a Asset Compliant Solutions (“ACS”).¹ He alleged seven counts against all four defendants: negligence (Count 1); assault and battery (Count 2); false arrest (Count 3); false imprisonment (Count 4); intentional infliction of emotional distress (Count 5); unfair debt collection activity, under the Maryland Debt Collection Act, Md. Code Ann., Commercial Law (“CL”) § 14-202 (Count 6); and unfair or deceptive trade practices, under the Maryland Consumer Protection Act, CL § 13-303 (Count 7).²

ACS filed a motion for summary judgment, and the other defendants joined in. Following a hearing,³ the court entered an order on September 22, 2021, granting ACS’s motion in part as to Counts 6 and 7. The court’s order and the related docket entry reflect that summary judgment was granted as to Counts 6 and 7 only as to Charley’s, Herbert, and Sanner, but not ACS.

¹ In the complaint, Wells refers to ACS by another name, Alternative Collection Solutions, Inc.

² ACS filed a third-party complaint against Charley’s for indemnification, which it later withdrew.

³ The transcript of this hearing, which was held on September 15, 2021, is not in the record.

Following the partial grant of summary judgment, the court held a bench trial on Counts 1 through 5. The court granted the defendants’ motion for directed verdict as to Counts 3 and 5, leaving Counts 1, 2, and 4. At the close of trial, the court delivered its oral ruling, finding in favor of Wells against all defendants on Count 1 (negligence).

As to Count 2 (assault and battery) and Count 4 (false imprisonment), the court concluded that “there was a push and that was an assault and battery” and “there was of course, imprisonment” based on “the positioning of the individuals, Mr. Sanner or Mr. Herbert or Mr. Wells.” The court found “in favor” of Wells “and against” Herbert and Sanner, stating that “because they were acting as agents of ACS, they would be liable for that offense.” It further found that Charley’s was acting as an agent of ACS. The court awarded Wells damages in the amount of \$135,000.

On June 20, 2024, the court entered an order of judgment and associated docket entry that reflect entry of a judgment in favor of Wells and against ACS and Charley’s in the sum of \$135,175 (to include costs).

All parties noted an appeal.⁴ For the reasons that follow, we shall dismiss the appeal.

⁴ In their brief, Charley’s, Herbert, and Sanner present the following issues:

1. Was the trial court’s monetary damage award for lost wages supported by sufficient evidence?
2. Did [Wells] present sufficient evidence to demonstrate the events at issue were a proximate cause of the lost wages awarded by the trial court?

In its brief, ACS frames the issues as follows:

DISCUSSION

This Court has jurisdiction over an appeal only 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) (citation omitted). A final judgment is one that “disposes of all claims *against all parties* and concludes the case.” *In re Donald Edwin Williams*

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- I. Whether the Trial Court erred in denying ACS’s Motion to Dismiss and Compel Arbitration?
 - II. Whether the Trial Court committed an abuse of discretion and reversible error by finding in favor of [Wells] on Count I (Negligence), Count II (Assault and Battery), and Count IV (False Imprisonment) considering the insufficient evidence in the trial record and apparent credibility issues of [Wells] raised during trial?
 - III. Whether the Trial Court’s monetary award to [Wells] in the amount of \$135,00 was based on insufficient evidence in the record, erroneous findings of fact not supported by the evidence presented during trial, and an abuse of discretion?
 - IV. Whether the Trial Court committed prejudicial procedural error by limiting Appellant ACS’s counsel’s cross-examination of [Wells] on the issue of his security clearance suspension and the termination of [Wells’s] alleged DoD contract, which formed a basis for the Trial Court’s calculation of a monetary award for [Wells]?

In his brief, Wells presents three issues:

1. Whether the trial court’s monetary award generated from a per diem analysis and calculation was supported by sufficient evidence?
2. Whether Wells presented sufficient evidence that the wrongful acts of [the appellants] were the proximate cause of Wells’[s] injuries and thus, the court’s damages award?
3. Whether the court’s denial of Wells’[s] right to a jury trial was proper due to a contract provision agreed upon between Wells and a third party waiving said right?

Regarding ACS’s first issue, the hearing sheet dated March 11, 2024 indicates that the court denied ACS’s “Motion to Dismiss and to Compel Arbitration and to Deny a Jury Trial.” Apparently, ACS filed the motion with the circuit court, but it is not in the record.

Revocable Tr., 234 Md. App. 472, 490 (2017) (emphasis added 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. In other words, for an order to qualify as a final judgment, it must adjudicate each and every claim and be reflected in a docket entry.” *Waterkeeper All., Inc. v. Md. Dep’t of Agric.*, 439 Md. 262, 278–79 (2014) (internal quotation marks and citations 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, crossclaim, 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.

(Emphasis added). An appeal taken before the entry of a final judgment is “generally of no force and effect.” *Doe v. Sovereign Grace Ministries, Inc.*, 217 Md. App. 650, 662 (2014) (citation omitted). “Because the absence of a final judgment may deprive a court of appellate jurisdiction, we can raise the issue of finality on our own motion.” *Zilichikhis v. Montgomery Cnty.*, 223 Md. App. 158, 172 (2015).

Maryland Rule 8-602(b)(1) provides that the appellate court “shall dismiss an appeal if” “the appeal is not allowed by these Rules or other law.” 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.⁵ *Johnson v. Johnson*, 423 Md. 602, 607 (2011).

Here, the court granted ACS’s motion for summary judgment in part as to Counts 6 and 7, but judgment in ACS’s favor on these counts was not clearly reflected in the separate document (the order) or in the docket entry. In addition, the order of judgment and the docket entries pertaining to the remaining counts do not reflect that the court entered judgment in the defendants’ favor on Counts 3 and 5. They also do not reflect entry of judgment for or against either of the individual defendants (Herbert and Sanner) on Counts 1, 2, or 4. Accordingly, no final judgment had been entered when the parties filed their respective notices of appeal. *See Quartertime Video & Vending Corp. v. Hanna*, 321 Md. 59, 65 (1990) (order that adjudicated rights and liabilities of one out of three defendants was “not final and remained subject to revision at any time prior to the entry of an order adjudicating the claims of all of the parties to the action”); *Taha v. S. Mgmt. Corp.*, 367

⁵ In order “[t]o qualify as a collateral order,” this “very narrow exception” requires that “a ruling . . . satisfy four criteria: (1) it must conclusively determine the disputed question; (2) it must resolve an important issue; (3) it must be completely separate from the merits of the action; and (4) it must be effectively unreviewable on appeal from a final judgment.” *McLaughlin v. Ward*, 240 Md. App. 76, 88 (2019) (citations omitted). The criteria are not met in this case.

Md. 564, 570–71 (2002) (explaining that “no docket entries and no separate documents for the employee verdicts indicat[ed] a final judgment”). Moreover, no exception to the final judgment rule applies.

Although certain parties may have understood the court’s rulings and which parties the rulings pertained to, the public cannot discern this information from the docket entries. *See Hiob v. Progressive Am. Ins. Co.*, 440 Md. 466, 500 (2014) (explaining that “[a]lthough the Hiobs and Erie may be aware that the ‘partial’ [dismissal] is in reference to the dismissal of only one defendant out of two, as opposed to only a portion of the claims against Erie, the public cannot discern this information from the docket entry”). As the Supreme Court of Maryland has explained, the requirements under Rule 2-601 “ensure that litigants, third parties, and the public have access to the disposition of every civil claim brought in Maryland’s circuit courts.” *Tierco Md., Inc. v. Williams*, 381 Md. 378, 394 (2004). “Litigants *and the public* ought to be able to look at a case file or docket and determine when any judgment was entered. They also should be able to determine by reviewing those records the disposition of any claims that have been resolved.” *Id.* (emphasis added and internal citation omitted).

For the reasons stated, we must dismiss the appeal. We remand the case to the circuit court to enter the appropriate judgment adjudicating the rights and liabilities of all the parties before it. The dismissal is without prejudice. Once the court enters a final judgment, the parties are free to file new notices of appeal in accordance with the Rules.

**APPEAL DISMISSED AND CASE
REMANDED TO THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY FOR
PROCEEDINGS CONSISTENT WITH
THIS OPINION. COSTS TO BE PAID
EQUALLY BY THE PARTIES.**