

Circuit Court for Kent County
Case No. 14-C-16-010731

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 821

September Term, 2020

SHIRLEY HIRSHAUER

v.

AQ HOLDINGS, LLC

Wells,
Gould,
Zarnoch, Robert. A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 14, 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 2016, AQ Holdings, LLC, appellee, filed a civil action against Shirley Hirshauer, appellant, seeking to force a sale, or in the alternative, a partition of real property that it had purchased at a judicial sale. Following a bench trial, the Circuit Court for Kent County ordered the property to be sold and appointed a trustee to conduct a sale of the property. Ms. Hirshauer appealed that ruling and this Court affirmed. *See Hirshauer v. AQ Holdings, LLC*, No. 2490, Sept. Term 2016 (filed Dec. 7, 2019).

The property was sold on July 29, 2020, and the trustee’s Report of Sale was filed with the court on August 17, 2020. On August 31, 2020, Ms. Hirshauer filed a motion seeking “to stay any further action including ratification of the sale” (Motion to Stay) until this Court resolved her appeal in Case No. 595, Sept. Term 2020.¹ The court denied the motion without a hearing. This appeal followed.

Generally, this Court only has jurisdiction over appeals that are taken from a final judgment. *See* Md. Code (1974, 2013 Repl. Vol.), § 12-301 of the Courts and Judicial Proceedings Article. At the time Ms. Hirshauer filed her notice of appeal, no final judgment had been entered in this case because the sale of the property had not yet been ratified. Moreover, no exception to the final judgment rule applies. Although Ms.

¹ In that case, Ms. Hirshauer appealed from an order issued by the Circuit Court for Queen Anne’s County denying her “Motion to Strike All Docketed Entries After 2009 When the Cases Were Closed and All Documents in 2006 as They Were Ex Parte and Without the Court Having Jurisdiction” (motion to strike). Among other things, the motion to strike sought to vacate the judgment liens that had been entered against the property and ultimately resulted in the judicial sale where AQ Holdings, LLC had purchased the property.

Hirshauer’s motion requested a general stay of the proceedings, it was not filed prior to the sale and did not request the court to enjoin appellee from taking any specific actions. Therefore, the denial of her motion to stay was not immediately appealable as an order denying an injunction. *See County Comm’rs v. Schrodel*, 320 Md. 202, 213 (1990) (“[A] trial court’s decision on a motion for a . . . stay is ordinarily not appealable” as a grant or denial of an injunction); *Highfield Water Co. v. Wash. Co. San.*, 295 Md. 410, 416-17 (1983) (holding that a refusal to stay proceedings in the same matter ordinarily does not constitute the grant or denial of an injunction and therefore is not appealable until a final judgment has been entered). Consequently, we must dismiss the appeal.²

Finally, appellee contends that the issues raised by Ms. Hirshauer have “no foundation in law or in fact” and therefore, that sanctions in the form of attorney’s fees and costs are appropriate to deter her from “repeatedly fil[ing] papers contesting what has already been decided.” Pursuant to Maryland Rule 1-341, this Court may apply “the sanction of reasonable counsel fees and costs to appeals which have been taken without substantial justification or in bad faith.” *Kirsner v. Edelmann*, 65 Md. App. 185, 196 (1985) (internal quotation marks and citation omitted). Based on our review of the record, we agree that there was little, if any, justification for Ms. Hirshauer to have filed this appeal. First, the order denying the motion to stay was not an appealable order. Moreover,

² In any event, after Ms. Hirshauer filed her notice of appeal in this case, we issued an opinion affirming the circuit court’s denial of Ms. Hirshauer’s motion to strike. *See Hirshauer v. Clemons*, No. 595, Sept. Term 2020 (filed June 4, 2021). Therefore, even if the motion to stay were appealable, we would dismiss the appeal as moot. *See Dove v. Childs*, 173 Md. App. 602, 608 (2007) (“[W]hen moot questions are raised on appeal, this Court should dismiss the appeal on the ground of mootness.”).

although Ms. Hirshauer’s request for a stay was based on her having filed a notice of appeal in a related case, we ultimately held that the issues raised in that appeal were meritless because they were either barred by the law of the case doctrine or had not been raised in the circuit court. Nevertheless, because Ms. Hirshauer is a self-represented litigant, and this is appellee’s first request to this Court for sanctions in this case, we shall exercise our discretion and deny the motion for sanctions.

**MOTION FOR AWARD OF SANCTIONS
DENIED. APPEAL DISMISSED. COSTS
TO BE PAID BY APPELLANT.**