

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 848

September Term, 2016

ROBERT L. RHOE, II

v.

MONTGOMERY COUNTY OFFICE OF
CHILD SUPPORT ENFORCEMENT

Woodward, C.J.,
Kehoe,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Woodward, C.J.

Filed: May 9, 2018

*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, the Montgomery County Office of Child Support Enforcement (MCOOSE) filed a complaint against Robert L. Rhoe, II, appellee, to establish paternity for J.R., a minor child. Although Rhoe concedes that no final judgment has been entered, he has appealed from two interlocutory orders issued by the circuit court in that case: a July 1, 2016, order requiring him to submit to genetic testing and a July 16, 2016, order denying his motion to dismiss on the ground that the MCOOSE failed to comply with its discovery obligations. For the reasons that follow, we shall dismiss the appeal.

Generally, appellate jurisdiction may arise only after the entry of a final judgment. *See Nnoli v. Nnoli*, 389 Md. 315, 323 (2003). “There are . . . three well-identified, limited exceptions to the final judgment rule which permit appellate review before a final judgment has been rendered.” *Falik v. Hornage*, 413 Md. 163, 175 (2010) (citation omitted). Those exceptions are: “appeals from interlocutory orders specifically allowed by statute; immediate appeals permitted under Maryland Rule 2–602; and appeals from interlocutory orders allowed under the common law collateral order doctrine.” *Id.* at 175–76 (citation omitted). However, no statute or rule permits an interlocutory appeal in this case.

Also, we are not convinced that the circuit court’s orders are appealable under the collateral order doctrine, which “is limited in scope” and must “be tightly construed.” *Norman v. Sinai Hospital*, 225 Md. App. 390, 394 (2015) (quotation omitted). To come within the collateral order doctrine, the order sought to be reviewed must be one that: “(1) conclusively determines the disputed question, (2) resolves an important issue, (3)

resolves an issue that is completely separate from the merits of the action *and* (4) would be effectively unreviewable if the appeal had to await the entry of a final judgment.” *Stephens v. State*, 420 Md. 495, 502 (2011) (citation omitted) (emphasis in original). Here, neither the order requiring genetic testing nor the order denying Rhoe’s motion to dismiss conclusively resolves an issue that is completely separate from the merits of the paternity action. Accordingly, the appeal must be dismissed.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.