

Circuit Court for Allegany County
Case No. C-01-CV-23-000332

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1165

September Term, 2024

IN THE MATTER OF JEFFREY CORPORAL

Arthur,
Shaw,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: July 14, 2025

* This is an unreported opinion. It 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 Maryland Rule 1-104(a)(2)(B).

A plaintiff in a civil action moved for an order of default. The Circuit Court for Allegany County denied the motion, and the plaintiff appealed. We shall dismiss the appeal because it is not allowed by the Maryland Rules or other law. Md. Rule 8-602(b)(1).

I.

In September 2023, appellant Jeffrey Corporal sued the State’s Attorney for Baltimore City for failing to file a timely response to his application for copies of certain public records under the Maryland Public Information Act, Maryland Code (2014, 2019 Repl. Vol.), § 4-362(a)(1) of the General Provisions Article. Corporal sought damages and an order directing production of the requested documents.

When the State’s Attorney did not file a timely answer, Corporal moved for an order of default. In that motion and in subsequent motions, he asked for \$2,000 in damages and copies of the requested records, without charge. The circuit court initially granted the motion, but after a hearing on January 26, 2024, it vacated the order *sua sponte* because of insufficient service.

Corporal moved for another order of default in March 2024, but the court denied his motion again because of insufficient service.

Corporal moved a third time for an order of default. As exhibits, he attached an affidavit of service and a certified mail return receipt signed by a receptionist at the State’s Attorney’s office. The circuit court granted his motion and entered an order of default on April 23, 2024.

Upon receiving notice of the order of default, the State’s Attorney moved to vacate it. He asserted that the receptionist who signed for Corporal’s certified mail was not authorized to accept service on behalf of the State’s Attorney, though he conceded that the error was not attributable to Corporal. The State’s Attorney added that on May 7, 2024, the designated custodian of records sent copies of the requested documents to Corporal free of charge. The motion was supported by an affidavit of the custodian attesting to the production. The court granted the motion and vacated the order of default on May 29, 2024.

Corporal moved for yet another order of default in July 2024 because his claim for damages was unresolved and because the State’s Attorney still had not filed an answer. The court denied the motion without explanation.

Shortly thereafter, Corporal filed a fifth motion seeking the same relief. In a written order, the court observed that Corporal had received the requested documents free of charge. Citing § 4-362(d)(1) of the General Provisions Article, the court also observed that the delay in fulfilling Corporal’s request “was not willful nor knowing.” Accordingly, the court denied Corporal’s motion on July 23, 2024.

On August 12, 2024, Corporal noted this appeal.

II.

Although the State’s Attorney spotted the finality issue here, he has not moved to dismiss the appeal. Even so, this Court has the power and duty to dismiss an appeal if it is not authorized by the Maryland Rules or other law. *See* Md. Rule 8-602(b)(1).

In general, a party may appeal only “from a final judgment entered in a civil or criminal case by a circuit court.” Maryland Code (1974, 2020 Repl. Vol.), § 12-301 of the Courts and Judicial Proceedings Article. “A ‘final judgment’ is a judgment that ‘disposes of all claims against all parties and concludes the case.’” *Doe v. Sovereign Grace Ministries, Inc.*, 217 Md. App. 650, 660 (2014) (quoting *Miller & Smith at Quercus, LLC v. Casey PMN, LLC*, 412 Md. 230, 241 (2010)). Although the final judgment rule has exceptions, *see In re O.P.*, 470 Md. 225, 250 (2020), neither party contends that any apply here.

The order here is not a final judgment. It does not do anything other than deny Corporal’s motion for an order of default. *Cf. Bliss v. Wiatrowski*, 125 Md. App. 258, 265 (1999) (explaining that “an order of default is interlocutory in nature and can be revised by the court at any time up until the point a final judgment is entered”) (emphasis omitted).

We recognize that the determination that the delay was not knowing and willful, coupled with the acknowledgement that Corporal had received the documents requested, signals that the court does not look favorably on the merits of Corporal’s claims. The order, however, did not conclude the case, because it did not constitute a ruling on Corporal’s petition itself. *See Nnoli v. Nnoli*, 389 Md. 315, 324 (2005). The order did not dismiss the petition, nor did it grant judgment in favor of the State’s Attorney. The court ruled only on Corporal’s motion for an order of default and the relief that he sought therein. Put simply, despite the apparent comment on the merits of Corporal’s claims,

“the case remains pending in the trial court . . . until another order is entered disposing of the case.” *Moore v. Pomory*, 329 Md. 428, 431 (1993).

Contrary to the State’s Attorney’s suggestion on appeal, the problem here is not the lack of a “separate document” setting forth the court’s decision. *See* Md. Rule 2-601(a). The problem is that the decision is not a final judgment. Again, the order did not constitute a ruling on Corporal’s petition, so it did not conclude the rights of the parties involved. *See Nnoli v. Nnoli*, 389 Md. at 324.

Furthermore, this problem cannot be solved by Rule 8-602(g)(1), which authorizes this Court to enter a final judgment on its own initiative if we “determine[] that the order from which [an] appeal is taken was not a final judgment when the notice of appeal was filed but that the [circuit] court had discretion to direct the entry of a final judgment pursuant to Rule 2-602(b)[.]” For a circuit court to exercise its discretion under Rule 2-602(b), the order must “completely dispose of an entire claim of one or more parties.” *USA Cartage Leasing, LLC v. Baer*, 202 Md. App. 138, 170 (2011), *aff’d*, 429 Md. 199 (2012). But as we have said, the order here did not “completely dispose of” any claim of any party.

The circuit court thus did not have discretion to direct the entry of a final judgment pursuant to Rule 2-602(b). Accordingly, we cannot enter one on our own initiative. Md. Rule 8-602(g)(1). Instead, we must dismiss this appeal so that the circuit court may address the merits of Corporal’s petition and enter a judgment.

**APPEAL DISMISSED. APPELLANT
TO PAY COSTS.**