

Circuit Court for Queen Anne's County
Case No: C-17-CV-20-000147

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1454

September Term, 2020

PINEY NARROWS YACHT HAVEN
CONDOMINIUM ASSOCIATION, INC.

v.

WALTER CORSON

Reed,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 23, 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 August 2020, Walter Corson, appellee, and Kent Narrows Yacht Yard, Inc. (“the Yacht Yard”) filed a complaint in the Circuit Court for Queen Anne’s County against Piney Narrows Yacht Haven Condominium Association, Inc. (“the Association”), appellant. As explained in the complaint, the Association operates Piney Narrows Yacht Haven, “a commercial marina condominium” where Mr. Corson owns “several slip units.” Also named as defendants were Richard Sheffield and Harold Bowie, members of the Association’s board of directors.

The complaint raised six causes of action stemming from, in pertinent part, a dispute between the Association and Mr. Corson regarding Mr. Corson’s use of a “Wash Pad” located at the marina. Mr. Corson used this wash pad for servicing marine vessels in the operation of his business, the Yacht Yard. In addition to monetary damages and attorneys’ fees, the complaint sought a declaratory judgment “confirming [Mr. Corson’s] right to use the Wash Pad to pressure wash boat bottoms.”

Mr. Corson amended his complaint twice. In his second complaint, filed December 29, 2020, Mr. Corson removed the Yacht Yard as a plaintiff. He also removed Mr. Sheffield and Mr. Bowie as defendants. The next day, Mr. Corson filed a “Motion for Voluntary Dismissal Without Prejudice,” requesting that Mr. Sheffield and Mr. Bowie be dismissed as parties without prejudice. He further requested, as to the six counts against the Association, that the counts for negligence and tortious interference be dismissed without prejudice. On January 6, 2021, the circuit court entered an order (the “Voluntary Dismissal Order”), granting Mr. Corson’s motion.

On January 7, 2021, the Association, Mr. Sheffield, and Mr. Bowie moved to set aside the Voluntary Dismissal Order, contending that, pursuant to Maryland Rule 2-311(b), the court was required to provide a 15-day response time prior to ruling on Mr. Corson’s motion for voluntary dismissal, but failed to do so, depriving the defendants an opportunity to respond. Additionally, they contemporaneously filed an opposition to the voluntary motion to dismiss, requesting that Mr. Sheffield and Mr. Bowie be dismissed with prejudice. The motion to set aside the Voluntary Dismissal Order was denied by the Court. The Association noted the present appeal from the court’s denial order, raising the following questions for the Court’s review:

1. Did the Circuit Court abuse its discretion by failing to afford Appellant and [Mr. Bowie and Mr. Sheffield] fifteen (15) days to oppose or otherwise respond to the Motion for Voluntary Dismissal Without Prejudice pursuant to Md. Rule 2-311(b)?
2. Did the Circuit Court abuse its discretion by failing to comply with Md. Rule 2-506 and applicable case law when granting Appellee a voluntary dismissal?

Without considering the underlying merits of this appeal, we hold that the present appeal is premature as it stems from an order which does not constitute a final judgment. Generally, parties may only appeal the entry of a final judgment. *See* § 12-301 of the Courts and Judicial Proceedings Article. In part, to constitute a final judgment, the court’s ruling “must adjudicate or complete the adjudication of all claims against all parties.” *McLaughlin v. Ward*, 240 Md. App. 76, 83 (2019). However, at the time the notice of appeal was filed by the Association, there were active claims pending against it, as alleged

in the second amended complaint, by Mr. Corson. Additionally, the Association had a pending counterclaim against Mr. Corson.

The court’s Voluntary Dismissal Order and the order declining to set it aside, therefore, did not complete or adjudicate all pending claims against all parties. The Association does not direct this Court to any authority that the orders at issue constitute appealable interlocutory orders, nor do we note that any exception to the final judgment rule is applicable. Lastly, we decline to exercise our discretion, pursuant to Maryland Rule 8-602(g)(1)(C), to either enter a final judgment or remand this case to the circuit court for a decision on whether to enter a final judgment with respect to Mr. Sheffield and Mr. Bowie pursuant to Maryland Rule 2-602(b).

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