

Circuit Court for Baltimore City
Case No.: 24-C-24-001618

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1727

September Term, 2024

IN RE: THE ESTATE OF
JEFFREY MARK VOGEL

Nazarian,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 25, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

This appeal stems from a judgment by the Circuit Court for Baltimore City dismissing Appellant Eliezer B. Vogel’s appeal from the Orphans’ Court for Baltimore City. The complex procedural history preceding that judgment is, for the most part, irrelevant to this appeal. We set forth only the facts necessary here.

In January 2022, Jeffrey M. Vogel (“Decedent”) died intestate. In April the Register of Wills of Baltimore City opened an estate (“the Estate”) and appointed Appellee Benjamin M. Vogel as Personal Representative. A rift formed among Decedent’s heirs about administration of the Estate. Their feud led to, among other things, arbitration in the Rabbinical Court of Cong. Agudath Israel of Los Angeles, followed by several actions in the circuit court seeking to confirm or vacate the result of that arbitration.

The Estate incurred substantial attorneys’ fees due to these parallel proceedings, which Appellant challenged in the Orphans’ Court. After a series of filings and hearings between February 2023 and March 2024, the Orphans’ Court ultimately approved \$37,976 in attorneys’ fees. Appellant appealed to the circuit court, and Appellee moved to dismiss.

The circuit court set a hearing on the motion for September 20, 2024, to be held by Zoom. Appellant neither requested a postponement,¹ nor appeared at the hearing, so the court granted Appellee’s motion and dismissed the case. This appeal followed.

¹ The parties discuss, in their briefs, a series of *ex parte* emails between Appellant and the judge’s law clerk, sent two days before the hearing and the morning of the hearing, in which Appellant states that he cannot attend the hearing. The judge acknowledged at the hearing the email that Appellant had sent that morning, and Appellee included in the appendix to his brief copies of the emails. Appellant characterizes these emails as a “motion” that he “urgently filed[.]” But these emails were, in fact, never filed in the circuit court and so “do not form a legitimate portion of the record[.]” *Rollins v. Cap. Plaza Assocs., L.P.*, 181 Md. App. 188, 200 (2008). Thus, “we cannot consider them.” *Id.*

We review the granting of a motion to dismiss for legal correctness. *Harris v. McKenzie*, 241 Md. App. 672, 678 (2019). Maryland Rule 7-507(a)(5) authorizes a circuit court, on motion or on its own initiative, to dismiss an appeal from the Orphans’ Court if “the appeal has been withdrawn because the appellant . . . failed to appear as required for trial or any other proceeding on the appeal[.]”

On appeal, Appellant claims he did not receive notice of the scheduled hearing. The circuit court’s docket, however, reflects that the court scheduled the hearing a month before it was held. “It is the responsibility of attorneys, and by extension *pro se* litigants, to monitor dockets for when pleadings and other documents are filed.” *Estime v. King*, 196 Md. App. 296, 304 (2010). Had Appellant monitored the case docket, he would have seen when the hearing was scheduled and, if necessary, could have sought a postponement. He did not do so. Accordingly, the circuit court did not err in dismissing his appeal when he failed to appear as required for the hearing. Md. Rule 7-507(a)(5).

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**