

Circuit Court for Montgomery County  
Case No. 460335V

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1821

September Term, 2021

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ATTAI H. SHAHZAD, *et al.*

v.

ANWAR MUMTAZ, *et al.*

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

JJ.

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PER CURIAM

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Filed: October 28, 2022

\*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 2018, Anwar and Noreen Mumtaz, appellees, filed a complaint against Attai H. Shahzad, appellant, Alia Shahzad, and Eastern Shoe Company, LLC, raising claims of breach of contract, misrepresentation of facts, conversion, fraud, negligence, conspiracy, and unjust enrichment. In 2021, appellees filed a “Motion for Default for Failure of Discovery” pursuant to Maryland Rule 2-432, alleging that appellant had failed to comply with his discovery obligations. Following an October 18, 2021, hearing, the court found that appellant had repeatedly violated its previously entered discovery orders by refusing to respond to interrogatories, requests for production of documents, and requests for admissions, and by refusing to appear at scheduled depositions. It therefore entered an order granting appellees’ motion for default and “enter[ing] a Judgment [sic] by Default that includes a determination as to all liabilities and all relief sought by the Plaintiffs in the amount of Seven Hundred and Seventy Thousand Dollars, plus profits, attorney fees, and finding for Plaintiff in all counts of Plaintiffs’ Amended Complaint after the Court is satisfied with averments on damages by evidence through scheduling a hearing for damages[.]” The order also scheduled a hearing on damages for January 26, 2022.

Seven days later appellant filed a “Motion for Reconsideration and Motion to Vacate Pursuant to Maryland Rule 2-535(b) Order of Default Judgment.” In that motion, appellant challenged the factual assertions made by appellees’ counsel at the October 18 hearing and further contended that he was not given a chance to tell his “side of the story.” The court denied appellant’s motion for reconsideration without a hearing on December 20, 2021. Appellant then filed a notice of appeal on January 19, 2022, prior to the

scheduled hearing on damages on January 26.<sup>1</sup> On appeal, appellant contends that the court erred “when it held that [he had] truly violated the discovery process” and that the court “violate[d] [his] ‘due process’ rights” in entering the default judgment. For the reasons that follow, we shall dismiss the appeal.

This Court only has jurisdiction over an appeal when it is taken from a final judgment or is otherwise permitted by law. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 273-74 (2009). A final judgment is a judgment that “disposes of all claims against all parties and concludes the case.” *Matter of the Donald Edwin Williams Revocable Tr.*, 234 Md. App. 472, 490 (2017) (quotation marks and citation omitted). If a court enters a judgment of default as a discovery sanction against a defendant but does not make a determination about damages or other relief, the “judgment” is not a judgment at all. *Md. Bd. of Physicians v. Geier (Geier I)*, 225 Md. App. 114, 139 (2015). Such an order can become final and appealable only when the court quantifies the amount of damages sought and addresses any other requests for relief. *Id.* Here, the court’s October 18 order specifically indicated that the award of damages was contingent on it being “satisfied with averments on damages by evidence through scheduling a hearing for damages.” Because the hearing on damages had not occurred at the time appellant filed his notice of appeal there is no final judgment for this Court to review. Consequently, we

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<sup>1</sup> That hearing was cancelled after the notice of appeal was filed.

must dismiss the appeal. In doing so, we note that this dismissal is without prejudice to appellant filing a new notice of appeal following the issuance of a final judgment.

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