UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0297

September Term, 2015

DANITA M. JONES *et al*.

v.

EDWARD K. HILL

Krauser, C.J.,
Graeff,
Kehoe,
JJ.

Opinion by Kehoe, J.

Filed: February 19, 2016

This is an appeal from a sanctions order issued by the Circuit Court for Baltimore County, during the course of a divorce action between Danita Jones, a nominal appellant, and Edward K. Hill. The case was set for trial on February 26, 2015, at 9:30 am. At the appointed hour on the appointed day, Mr. Hill and his lawyer, Diana M. Schobel, Esquire, were present in the courtroom. But Ms. Jones was not. Nor was her counsel, appellant, S. D. Raysor-Taylor, Esquire. Ms. Raysor-Taylor appeared nearly two hours later and explained that she had assumed that the trial was delayed because of inclement weather, and had so advised her client.

Schobel moved for sanctions in the amount of $400, representing the attorney's fees incurred by Mr. Hill during the two hour delay. Finding Raysor-Taylor's explanation for her tardiness unsatisfactory, the circuit court announced in open court that the motion was granted and directed Raysor-Taylor, but not her client, to pay $400 directly to Schobel as a sanction. The court signed an order to that effect on March 17, 2015. The order stated in pertinent part:

> Upon consideration of [Mr. Hill's] oral motion for sanctions arising from [Ms. Jones's] counsel, Sandy Delores Raysor-Taylor's failure to appear at the scheduled 9:30 a.m. start time . . . for the trial . . . and Ms. Raysor-Taylor's response thereto, it is this 17th day of March, 2015 by the Circuit Court for Baltimore County, Maryland
>
> ORDERED that Ms. Raysor-Taylor will pay $400.00 to [Schobel's law firm], representing two (2) hours of attorneys fees incurred by [Mr. Hill] due to Ms. Raysor-Taylor's failure to timely appear for trial; and it is further
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> ORDERED that payment shall be made within fifteen (15) days of the date of this order; and it is further

> ORDERED that if payment is not made within that time, upon notice of non-payment by [Schobel], judgment shall be entered against Ms. Rayso-Taylor in the amount due. . . .

Copies of the order were promptly mailed to counsel, but for some reason the order was not docketed until May 19, 2015. The divorce litigation between Ms. Jones and Mr. Hill proceeded and final judgment in that action was entered on May 28, 2015. Neither party filed an appeal from the final judgment. From the record, it does not appear that Raysor-Taylor paid the $400. Schobel requested a judgment but no judgment was entered.

Raysor-Taylor filed her notice of appeal on April 21, 2015, that is, after the date the motion for sanctions was granted and the order was signed, but before the final judgment in the divorce action was entered. As a general matter, the jurisdiction of this Court is limited to appeals from final judgments. *See, e.g.*, *Nnoli v. Nnoli*, 389 Md. 315, 323 (2005). A premature notice of appeal, that is, one which is filed prior to entry of final judgment, is ineffective. *See Doe v. Sovereign Grace Ministries, Inc.*, 217 Md. App. 650, 661–63 (2014). "There are three exceptions to the final judgment rule: appeals from interlocutory orders permitted by statute, appeals permitted under Md. Rule 2-602, and appeals permitted under the common law collateral order doctrine." *Nnoli*, 389 Md. at 324. We may consider Raysor-Taylor's appeal only if it falls into one of these exceptions.

Two of the exceptions are clearly inapplicable: the trial court did not enter an order pursuant to Md. Rule 2-602, nor does the collateral order doctrine apply to this case. *See Kurstin v. Bromberg Rosenthal, LLP*, 191 Md. App. 124, 131–51 (2010), *aff'd*, 420 Md. 466 (2011) (discussing the narrow scope of the collateral order doctrine). We turn to the third possibility.

Courts and Judicial Proceedings Article § 12-304(a) states:

> Any person may appeal from any order or judgment passed to preserve the power or vindicate the dignity of the court and adjudging him in contempt of court, including an interlocutory order, remedial in nature, adjudging any person in contempt, whether or not a party to the action.

Was the order at issue in this appeal one that adjudged Raysor-Taylor to be in contempt? In her brief, Raysor-Taylor characterizes the trial court's order as a contempt order, but we do not agree.

This Court's analysis in *Tobin v. Marriot Hotels*, 111 Md. App. 566 (1996), is helpful. In that case, the circuit court ordered Tobin to pay $750 to opposing counsel because Tobin failed to appear at a court-ordered mediation conference. Tobin refused to pay and the circuit court entered judgment against him in that amount. We concluded that: (1) an order requiring payment of a monetary sanction was not an appealable interlocutory order because it was not enforceable by contempt; (2) such an order was not appealable under the collateral order doctrine; and (3) such orders were appealable after

entry of final judgment in the underlying litigation or, as occurred in *Tobin*, the court entered judgment for the amount of the sanction. *Id.* at 570–71.[1]

Returning to the case before us, there is nothing in the trial court's order — or for that matter, in the colloquy between the court and Raysor-Taylor at trial — suggesting that Raysor-Taylor would be held in contempt if she refused to pay $400 to Schobel. Instead, the order provided that Schobel could obtain a judgment against Raysor-Taylor for the amount due if it were not paid within 15 days. The court does not appear to have entered a monetary judgment.

Because the trial court did not hold Raysor-Taylor in contempt, she has no right to the extraordinary remedy of an interlocutory appeal. Her notice of appeal was filed before judgment was entered in the divorce action. No monetary judgment has been entered against her. Raysor-Taylor's appeal must be dismissed.

APPEAL DISMISSED. COSTS ARE TO BE PAID BY APPELLANT S. D. RAYSOR-TAYLOR.

[1] Because there was a timely-filed appeal in *Tobin*, we addressed the merits and concluded that the trial court in that case did not have the authority to order payment of attorney's fees for failure to comply with a scheduling order. 111 Md. App. 485–87. In *Station Maintenance Solutions v. Two Farms,* 209 Md. App. 464, 485–87 (2013), we noted that *Tobin* and *Naughton v. Bankier*, 114 Md. App. 641, 658–59 (1997) "address the question of whether attorneys' fees may be awarded as sanctions, and their holdings bar those sanctions which 'shift litigation expenses[.]'"