

Circuit Court for Montgomery County
Case No. 485090V

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2234

September Term, 2022

IN THE MATTER OF ROBIN BURCH

Wells, C.J.,
Graeff,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 10, 2024

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

Robin Burch, appellant, appeals from the circuit court’s order dismissing her petition for judicial review for failure to file a memorandum, as required by Maryland Rule 7-207(a). On appeal, appellant contends that the Maryland Insurance Administration (MIA) erred in denying her claim on the merits. For the reasons that follow, we shall affirm.

Appellant filed a complaint with the MIA alleging unfair claims settlement practices by Certain Underwriters at Lloyds of London, appellee. Specifically, appellant claimed that appellee had failed to properly pay out her claim for loss of business income. Following a hearing, the Administrative Law Judge (ALJ) issued a proposed decision, finding that appellee did not engage in any unfair settlement practices in the handling of appellant’s claim. Appellant did not file exceptions and the Commissioner for the MIA issued a summary affirmance of the ALJ’s proposed decision on April 1, 2021.

Appellant filed a timely petition for judicial review. On September 29, 2022, the MIA transmitted the record, which included 755 pages, to the circuit court. Notice that the record had been filed was sent to the parties the next day. On November 16, 2022, appellee filed a motion to dismiss the petition for judicial review on the grounds that appellant had failed to timely file the required memorandum. Notably, appellant still did not file a memorandum, even after that motion was filed. On December 29, 2022, the court entered an order granting the motion and dismissing the petition for judicial review. Appellant filed a motion for reconsideration on January 4, 2023, wherein she set forth the issues that she intended to raise on judicial review, but did not address her failure to timely file a memorandum. The court denied that motion without a hearing. This appeal followed.

On appeal, appellant raises several issues with respect to the merits of the MIA’s decision. But these claims are not properly before us because the circuit court did not reach the merits of appellant’s petition for judicial review. Rather, it dismissed the petition because appellant failed to file a memorandum.

As to that dismissal, Maryland Rule 7-207(a) requires that “[w]ithin 30 days after the clerk sends notice of the filing of the record, a petitioner shall file a memorandum setting forth a concise statement of the questions presented for review, a statement of facts material to those questions, and argument on each question, including citations of authority and references to pages of the record and exhibits relied on.” And Maryland Rule 7-207(d) further provides the circuit court may dismiss a petition for judicial review if the petitioner fails to file such a memorandum “if it finds that the failure to file or the late filing caused prejudice to the moving party.”

Here, appellant did not just fail to file a timely memorandum; she did not file a memorandum at all. Moreover, she does not claim on appeal that the court erred in dismissing her petition for violating Rule 7-207(a). It is ultimately appellant’s burden on appeal to demonstrate that the circuit court erred in dismissing her petition for judicial review. Because she has not met that burden, we shall affirm.

**JUDGMENT OF THE CIRCUIT
COURT FOR MONTGOMERY
COUNTY AFFIRMED. COSTS
TO BE PAID BY APPELLANT.**