UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1807

September Term, 2014

STEVE STEINBERG

v.

CHARLES S. RAND

Krauser, C.J.,
Leahy,
Thieme, Raymond G.
(Retired, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: December 31, 2015

The present appeal emanates from ongoing and protracted litigation that began in 2004, when Appellee, Charles S. Rand, represented Appellant, Steve Steinberg, in an employment dispute. Mr. Steinberg appeals from an order entered in the Circuit Court for Montgomery County and presents a single question for our review: "whether the trial court was legally correct to grant a $2,000 monthly exemption from the charging order."

We do not reach the merits of Mr. Steinberg's appeal because the order appealed from is neither a final order nor an appealable interlocutory order. Therefore, this Court does not have proper jurisdiction, and the appeal must be dismissed.

BACKGROUND

Steve Steinberg retained Charles Rand, Esq., to represent him in 2004 in an employment dispute. The parties ended their relationship acrimoniously. Mr. Steinberg withheld the attorney's fee Mr. Rand claimed. As detailed in a June 13, 2006 letter to Mr. Rand from Mr. Steinberg's newly retained counsel, it appears that Mr. Rand sued Mr. Steinberg to collect the fee, whereupon Mr. Steinberg counterclaimed for malpractice.[1]

Mr. Rand subsequently filed for bankruptcy in the Bankruptcy Court for the District of Maryland, Greenbelt Division. Mr. Steinberg filed an objection to the discharge of Mr. Rand's debt in the bankruptcy proceeding. On August 12, 2013, the bankruptcy court, entered a non-dischargeable judgment in the amount of $40,000.00 in favor of Mr. Steinberg.

[1] The record does not make clear the precise facts and circumstances surrounding the underlying dispute between Mr. Steinberg and Mr. Rand because the record and circuit court proceedings almost solely concern Mr. Steinberg's enrolled consent judgment against Mr. Rand and his attempts to collect it.

On October 11, 2013, Mr. Steinberg enrolled the consent judgment against Mr. Rand in the Circuit Court for Montgomery County. In an attempt to collect on this judgment, Mr. Steinberg, on May 20, 2014, moved for a charging order against Mr. Rand's interest in McKernonRand, LLC ("McKernonRand"), a single-member limited liability company law practice. Mr. Steinberg requested an "order charging partnership interest of judgment debtor and for other ancillary relief in aid of enforcement of judgment, pursuant to Rule 2-649 of the Maryland Rules . . . ." Mr. Steinberg's proposed order, filed along with a corresponding motion, contained the following language:

> **ORDERED,** that McKernonRand, LLC shall sequester and pay over to the Judgment Creditor all distributions of any kind whatsoever otherwise payable to the Judgment Debtor, Charles S. Rand, and to account for said payments to this Court and to the Judgment Creditor, until such time as the judgment, plus interest and costs, entered against the Judgment Debtor has been paid in full and satisfied; and it is further
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> **ORDERED,** that Defendant is enjoined from transferring, conveying, assigning, or otherwise disposing of any property owned by McKernonRand, LLC or Defendant's interest in McKernonRand, LLC, subject to further order of this Court.

On September 15, 2014, the circuit court held a motions hearing on many open issues in the case. When Mr. Rand stated that he had not been served with the motion for a charging order and that the motion did not contain a certificate of service, Mr. Steinberg responded that "the nature of this motion . . . it is in essence the same as a writ not requiring any certificate of service because it is the order on the LLC [] freezing its assets or any amount owed to Mr. Rand personally as the sole member of the LLC." Mr. Steinberg also contended that giving Mr. Rand advance notice of the motion would allow Mr. Rand to dissolve the LLC, and that Maryland Rule 2-649 and Maryland Code (1975, 2014 Repl.

Vol.), Corporations and Associations Article ("CA"), § 4A-607 do not require service. Mr. Steinberg analogized the motion for a charging order to a writ of garnishment, further arguing that service was not necessary.

Mr. Rand further objected to the motion by arguing that the accompanying order was "too broad." To this point, Mr. Steinberg responded that "[a]ll this order is saying is you will not transfer any money to Charles Rand personally from the LLC without further order of the Court and to account it for by the Court." Mr. Steinberg was very concerned that Mr. Rand was hiding assets by transferring personal property to friends and relatives, and otherwise placing his assets out of Mr. Steinberg's reach.

The court, in response to the parties' contentions, analyzed Mr. Steinberg's proposed order and articulated the following solution:

> The second paragraph says that McKernon Rand LLC shall sequester and pay over to the judgment creditor all distributions of any kind whatsoever otherwise payable to the judgment debtor, Charles S. Rand, to account for said payments to this Court and to the judgment creditor until such time as the judgment plus interest costs entered against the judgment debtor has been paid in full and satisfied.
>
> So it is my understanding we are going to be taking that paragraph out, just leaving the last paragraph[:] The Defendant is enjoined from transferring, conveying, assigning or otherwise disposing of any property owned by McKernon Rand or defendant's interest.

Mr. Rand then requested that some leave be provided for the law firm, McKernonRand, to pay for operating expenses and for a salary for Mr. Rand. In response to this request, the court further modified the proposed order to allow for payment of McKernonRand's reasonable operating expenses, and for a "partnership draw" of $2,000 a month. The court stated that it was "going to revise this order and issue a new order

taking out the second paragraph, including what [Mr. Steinberg had] as the last paragraph, providing reasonable operating expenses and no more than $2,000 monthly draw."

The court's order, in its final form, states, in its entirety:

> UPON CONSIDERATION of Plaintiff's Motion Requesting Order Charging Partnership Interest of Judgment Debtor and for other Ancillary Relief (D.E. # 97), and after the oral argument of the parties, it is this 15th day of September, 2014, by the Circuit Court for Montgomery County, Maryland,
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> ORDERED, that Defendant is enjoined from transferring, conveying, assigning, or otherwise disposing of any property owned by McKernonRand, LLC or Defendant's interest in McKernonRand, LLC, except for reasonable operating expenses and no more than $2,000.000 for Defendant's monthly partnership draw, documentation of which must be provided monthly to Plaintiff's counsel.

Thus, the order, which was entered on September 18, 2014, does not, by its terms, actually require any money to be paid directly to Mr. Steinberg.

On October 16, 2014, Mr. Rand filed a notice of appeal, and, on October 23, 2014, Mr. Steinberg filed a notice of cross-appeal, with both parties appealing what they characterized as a charging order. On May 5, 2015, Mr. Rand filed a line of dismissal, and this Court dismissed Mr. Rand's appeal on May 11, 2015. Mr. Steinberg's cross-appeal continued. Meanwhile, the case has since continued uninterrupted in the circuit court.[2]

DISCUSSION

The threshold jurisdictional issue that we must address is whether the September 18, 2014, order from which Mr. Steinberg has appealed is an appealable order.

[2] For example, since October 13, 2014, Mr. Steinberg has persevered in his efforts to garnish the assets of various persons, and Mr. Steinberg has also filed a motion to hold Mr. Rand in contempt, which was denied.

The parties have recognized and briefed this issue. "Whether a judgment is final, and thus whether this Court has jurisdiction to review that judgment, is a question of law to be reviewed *de novo*." *Baltimore Home Alliance, LLC v. Geesing*, 218 Md. App. 375, 381 (2014) (citing *Shofer v. Stuart Hack Co.*, 107 Md. App. 585, 591 (1996)).

In his brief, Mr. Steinberg concedes that the order appealed from is not a final judgment, but he argues that it is appealable pursuant to Maryland Code (1973, 2013 Repl. Vol.), Courts and Judicial Proceedings Article ("CJP"), § 12-303(1), which allows appeals from interlocutory orders concerning the possession of property with which the action is concerned or regarding the charging of income or interest from that property. He also argues that CJP § 12-303(3)(v), which allows for appeals from orders for the payment of money, gives him a right to appeal. Mr. Rand simply argues that the order is not final, and, hence, is not appealable.

I.

Finality of Charging Orders

In Maryland, the right to appeal is determined almost entirely by statute, and one cannot generally bring an appeal unless a statute grants the right of appeal. *Gisriel v. Ocean City Bd. of Sup'rs of Elections*, 345 Md. 477, 485 (1997) (citing *Maryland-Nat'l Capital Park & Planning Comm'n v. Smith*, 333 Md. 3, 7 (1993)). CJP § 12-301 provides that a party may appeal from a final judgment, and, therefore, for a party to appeal from an order, that order must generally be a final judgment. *Addison v. State*, 173 Md. App. 138, 152 (2007) (citing *Jackson v. State*, 358 Md. 259, 266 (2000)). For an order to be a final judgment, it must possess three attributes:

> (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy, (2) unless the court properly acts pursuant to Md. Rule 2-602(b), it must adjudicate or complete the adjudication of all claims against all parties, and (3) the clerk must make a proper record of it in accordance with Md. Rule 2-601.

Rohrbeck v. Rohrbeck, 318 Md. 28, 41 (1989).

Although Mr. Steinberg concedes in his brief that the order appealed from is not a final order, we recognize that there are Maryland cases that instruct that a charging order, under certain circumstances, can be a final, appealable order. In *91st St. Joint Venture v. Goldstein*, 114 Md. App. 561, 565 (1997), the trial court granted the appellants' petition to confirm an arbitrator's award that reduced the appellee's interest in a joint venture, entering a judgment against the appellee for fees and expenses due to the arbitration. On August 5, 1994, the trial court entered a charging order[3] against the appellee's interest in the joint

[3] The charging order in that case read as follows:

> ORDERED, that William A. Hahn, Jr. be and he is hereby appointed as a Receiver for the limited purpose of effectuating a transfer, assignment and/or conveyance to the Joint Venture of [the appellee']s 0.2022 percent interest in the Joint Venture, provided that the judgment amount remains unsatisfied after the expiration of fifteen (15) calendar days after service of this Order is made upon [the appellee]; and it is further
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> ORDERED, that the Receiver may effectuate said transfer, assignment and/or conveyance to the Joint Venture upon receipt of written notice from the Judgment Creditor's counsel that the judgment amount remains unsatisfied after the expiration of the fifteen (15) calendar day period as aforementioned; and it is further
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> ORDERED, that the Receiver shall be provided with such other power and authority as may be necessary to effectuate the complete assignment, transfer and/or conveyance of [the appellee]'s 0.2022 percent interest without further order of this Court . . . .

91st St. Joint Venture v. Goldstein, 114 Md. App. at 574-75.

venture and appointed a receiver to effectuate a transfer of the appellee's interest in the joint venture, should the judgment be unsatisfied. *Id.* The appellee then appealed the judgment, whereupon the trial court stayed enforcement. *Id.* This Court eventually dismissed the appeal for lack of prosecution. *Id.*

After dismissal of the appeal, the appellants obtained, in the trial court, an order that dissolved the stay of enforcement of the judgment. *Id.* at 566. On February 23, 1996, the receiver filed a report stating that he had assigned the appellee's interest in the joint venture to the appellants in partial satisfaction of the judgment. *Id.* On March 27, 1996, the trial court granted the appellee's exceptions to the assignment and vacated the charging order, subject to the caveat that, by April 8, 1996, the appellee had to pay the remaining judgment deficit. *Id.* The appellee paid the deficit on March 27, 1996. *Id.* After full payment of the judgment, the court granted appellee's exceptions and vacated the charging order, and the appellants filed an appeal from the order that vacated the charging order. *Id.*

On appeal, the appellants in *91st St. Joint Venture* argued that "appellee was estopped to challenge the entry of the charging order because appellee did not pursue his earlier appeal to this Court . . . ." *Id.* at 573. They contended that the appellee was estopped from offering any arguments concerning that charging order because it was a final order, the appellee had thirty days to appeal from the order, and, when this Court dismissed the appeal, that order became the law of the case. *Id.* The appellee argued that the order was not a final order and was still subject to ratification by the trial court. *Id.* at 573-74.

This Court held that the appellee's partnership interest was (1) subject to redemption and (2) the assignment was still subject to the trial court's ratification. *Id.* at 575-76.

Therefore, the charging order was not a final order and was still subject to revision at any point before the entry of final judgment. *Id.* at 575-76. The Court explained that forced sales, including those of partnership interests, are subject to the Maryland Rules, and that such sales are not final until ratified by the trial court. *Id.* at 577-81.

We also analyzed the finality of a charging order in *Keeler v. Academy of American Franciscan History, Inc.*, 178 Md. App. 648 (2008), but, in that case, we came to a different conclusion based on the facts presented. After Robert Keeler and his corporation defaulted on a confessed judgment note, a judgment by confession in favor of creditor Academy of American Franciscan History, Inc., ("AAFH") was entered in the circuit court, on October 17, 1989. *Id.* at 650. On December 20, 1989, the circuit court entered a charging order against Keeler's interest in a partnership. *Id.* The order provided the following:

> ORDERED, that the Gaither Road Partnership **shall sequester and pay over to the Judgment Creditor all distributions of any kind** whatsoever otherwise payable to the Judgment Debtor, Robert H. Keeler, and to account for said payments to this Court and to the Judgment Creditor, until such time as the judgment entered against the Judgment Debtor has been paid in full and satisfied....

Id. (emphasis supplied). After Keeler's voluntary bankruptcy petition in 1999, the bankruptcy court issued a discharge order that barred any attempts to recover or collect the original debt—the default on the loan. *Id.* at 650-51. In 2000, Keeler reopened the bankruptcy proceeding to combat AAFH's attempt to collect money from the charging order, but the bankruptcy court held that the charging order "rode through the bankruptcy case and remain[ed] viable upon property captured before the case commenced," *id.* at 651 (brackets in original; internal quotation marks omitted) (quoting *Keeler v. Acad. of Am.*

Franciscan History, Inc., 257 B.R. 442, 448 (Bkrtcy. D. Md. 2001)), and the District Court for the District of Maryland affirmed this decision. *Id.* (citing *In re Keeler*, 273 B.R. 416, 422 (D. Md. 2002)).

On September 29, 2006, Keeler filed a declaratory judgment action, in which he claimed that the charging order was extinguished after 12 years, by operation of Maryland Rule 2-625, when AAFH failed to renew the original confessed judgment. *Id.* The circuit court ruled that the charging order did not expire with the money judgment, and Keeler appealed. *Id.* at 652.

We held that the charging order, in that case, was "a separate final judgment that remain[ed] enforceable even after the underlying money judgment expired." *Id.* We stated that, although a charging order is not a money judgment, it may nonetheless be a final judgment if the elements of finality are otherwise met. *Id.* at 654 (citing *91st St. Joint Venture*, 114 Md. App. 561 (1997)). We distinguished *91st St. Joint Venture*, saying that the charging order in that case was subject to ratification because it dealt with the actual transfer of the partnership interest, whereas the order in *Keeler* did not implicate the judicial sales rules because it only stated that distributions that otherwise would go to Keeler had to be paid to AAFH. *Id.* at 654-56. Instead, the charging order at issue in *Keeler* "settled the rights of the litigants at the time it was entered and concluded the matter between the parties," and, therefore, was a final judgment. *Id.* at 655. Thus, *Keeler* held that a charging order that orders the payment of distributions from a partnership interest, but does not order the actual transfer of the partnership interest itself, can be a final, appealable order that settles the rights of the litigants. *Id.* at 655-56.

Although the proposed order that Mr. Steinberg filed with his charging order motion was similar in some ways to the order held to be a final order in *Keeler*, *id.* at 650, the circuit court in the present case removed all language requiring payment of money from McKernonRand to Mr. Steinberg. The order from which Mr. Steinberg appealed does not direct the payment of any money, as the order did in *Keeler*. It is not clear that the order appealed from can even properly be characterized as a charging order because it does not require an income stream to be paid to a creditor, nor does it describe itself as a charging order. As such, it cannot be said to have "settled the rights of the litigants at the time it was entered and concluded the matter between the parties," *id.* at 655, and it is not a final, appealable order.

II.

Appealable Interlocutory Orders

We now turn to whether the order from which Mr. Steinberg appealed is appealable as an interlocutory order. As stated, *supra*, Mr. Steinberg, conceding that the order is not a final judgment, argues that the order appealed from is appealable pursuant to CJP § 12-303(1) or (3)(v). CJP § 12-303 reads, in pertinent part:

> A party may appeal from any of the following interlocutory orders entered by a circuit court in a civil case:
> (1) An order entered with regard to the possession of property with which the action is concerned or with reference to the receipt or charging of the income, interest, or dividends therefrom, or the refusal to modify, dissolve, or discharge such an order;
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> * * *
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> (3) An order:

* * *

> (v) For the sale, conveyance, or delivery of real or personal property or the payment of money, or the refusal to rescind or discharge such an order, unless the delivery or payment is directed to be made to a receiver appointed by the court;

Mr. Steinberg argues that CJP § 12-303 gives him the right to appeal because the order appealed from (1) concerns the receipt or charging of income or interest from property, and/or (2) it was an order for the payment of money. We disagree. On its face, the order is clearly not governed by CJP § 12-303 because it does not concern the "receipt or charging" of income, CJP § 12-303(1), and it does not order the payment of money, CJP § 12-303(3)(v).

CJP § 12-303(1)

In *Abner v. Branch Banking & Trust Co.*, 180 Md. App. 685, 687 (2008), the appellant, Tammy Abner, had obtained, in an earlier proceeding, a money judgment against Kenneth Wiggins, Jr., and his corporation. Wiggins and his wife were the sole partners in a partnership, and—after liability was determined, but before the final judgment was entered—they converted the partnership to a limited liability partnership and passed all property from one entity to the other. *Id.* at 687. Several years later, in an effort to collect the money judgment, Ms. Abner obtained a charging order against Wiggins's interest in the limited liability partnership. *Id.* at 688. A few months later, Ms. Abner instituted an action against Wiggins, the partnership, the limited liability partnership, and several other parties, alleging that there were fraudulent conveyances and that proceeds from an alleged assets sale of the former corporation, which had since filed for bankruptcy, should have

been directed to her as a judgment creditor, but had been directed instead to one of the defendants. *Id.* One of the parties filed a motion to dismiss, which was granted, and Ms. Abner appealed. *Id.*

On appeal, Ms. Abner argued that CJP § 12-303(1) provided her the right to appeal because she was entitled to possession of the proceeds of the sale of the limited liability partnership, which should be disbursed to her as a judgment creditor. *Id.* at 690. As to this contention, we stated that Ms. Abner had no right to appeal because

> **appellant has no present right to possession** and whether such right may ultimately exist is speculative. As of September 2002, appellant has been a judgment creditor of [Wiggins] and [the corporation]. In January 2006, [Ms. Abner] obtained an order charging [Wiggins]'s interest in [the limited liability partnership] for the amount of her unpaid judgment. **Notwithstanding the charging order, [Ms. Abner] has never been a creditor of [the limited liability partnership]. Because [Ms. Abner] is not a judgment creditor of [the limited liability partnership], she would not be entitled to possession of the proceeds of the sale.**[4]

Id. at 692-93 (emphasis supplied).

In *Eubanks v. First Mount Vernon Industrial Loan Association, Inc.*, 125 Md. App. 642, 656-57 (1999), this Court held that an order regarding monthly rent escrow payments due in a forcible detainer action was an appealable interlocutory order pursuant to CJP § 12-303(1). In that case, the appellant appealed from a circuit court order directing that the current possessor of the property pay into the court registry $1,500.00 per month for

[4] The facts section in *Abner* does not discuss a sale of the limited liability partnership's assets, and it is unclear when that alleged sale occurred, so we have not provided details of any alleged sale here. The case, however, still stands for the proposition that CJP § 12-303(1) would not provide a right to appeal because the judgment creditor had no right to possession of the property subject to the charging order because it was not a creditor of that entity. 180 Md. App. at 692-93.

the use and possession of the property, pending a jury trial. *Id.* at 647. We stated that it was "clear that not every order is appealable that merely refers to the receipt or charging of income, interest, or dividends from property." *Id.* at 650. We stated that "we must look to the nature of the order actually granted in a given case . . . ." *Id.* at 656. We held that the order was appealable because it "was an order with reference to the receipt of income from the real property that is the subject of the of appellee's litigation action." *Id.* at 657.

In the case at bar, although Mr. Steinberg argues that the order is an order "with reference to the receipt or charging of the income, interest or dividends [from the property with which the action is concerned,]" CJP § 12-303(1), the order, by its terms, does not direct Mr. Rand or McKernonRand to direct any income, interest, or dividends to Mr. Steinberg or to the court. The order simply says that Mr. Rand may not "transfer[], convey[], assign[], or otherwise dispos[e]" of McKernonRand's property or Mr. Rand's interest in McKernonRand. Therefore, the order is not an order that charges income, interest, or dividends of property, and is therefore not an appealable interlocutory order under 12-303(1).

Further, the entity McKernonRand is not "property with which the action is concerned." A charging order is merely a means to satisfy Mr. Steinberg's judgment against Mr. Rand; the collection action below is not primarily "concerned" with Mr. Rand's interest in McKernonRand. As was the case in *Abner*, 180 Md. App. at 692-93, Mr. Steinberg is a judgment creditor of Mr. Rand, not of McKernonRand.

CJP § 12-303(3)(v)

Contrary to Mr. Steinberg's contention, the order is not appealable under CJP § 12-303(3)(v), which allows appeals from orders "for the payment of money." CJP § 12-303(3)(v) does not allow for the appeal of any non-final order for the payment of money; instead, it only allows for an appeal from orders that are "equitable in nature." *Anthony Plumbing of Maryland, Inc. v. Attorney General*, 298 Md. 11, 20 (1983). This includes alimony, child support, and domestic relations orders, as well as orders concerning assignments for the benefits of creditors. *Id.* at 20 (citations omitted). In *Anthony Plumbing*, the Court stated that

> [t]he common thread in the [cases allowing for an appeal from an order "for the payment of money"] is that each involves an order for a specific sum of money which "proceeds directly to the person" and for which that individual is "directly and personally answerable *to the court* in the event of noncompliance." *Della Ratta v. Dixon*, [47 Md. App. 270, 285 (1980)] (emphasis in original). These characteristics of a traditional equity order for the payment of money differ markedly from those of a typical judgment at law for the payment of money.

Id.

Here, the circuit court removed the paragraph requesting that McKernonRand "sequester and pay over to" Mr. Steinberg all distributions that would otherwise be payable to Mr. Rand. The order, in its final form, does not charge Mr. Rand or McKernonRand to pay any money to either Mr. Steinberg or the court. The order prohibits Mr. Rand from taking any money out of McKernonRand, except for reasonable operating expenses and a $2,000.00 a month partnership draw. The order does not require an income stream to be paid to a creditor, nor does it describe itself as a charging order. The absence of any

requirement to make payment makes it patently clear that CJP § 12-303(3)(v) does not provide Mr. Steinberg a base for appeal.[5]

CONCLUSION

Because we dismiss Mr. Steinberg's appeal, we do not reach the merits of his arguments concerning the order. We note, however, that, were we to reach the merits of Mr. Steinberg's appeal, we would almost certainly conclude that Mr. Steinberg's arguments were not preserved. Mr. Steinberg presents three main arguments on the merits: (1) that the $2,000.00 a month exception to the order exceeded the circuit court's discretion

[5] Although the parties did not raise the issue, we note that despite the circuit court's employment of the word "enjoin," the order was not an injunction because it was not granted pursuant to a request for injunctive relief, and was instead granted pursuant to the court's power under CA § 4A-607. Moreover, the order possesses none of the formal requirements of an injunction prescribed by the Maryland Rules. *See, e.g.*, Md. Rules 15-502(e) ("The reasons for issuance or denial of an injunction shall be stated in writing or on the record. An order granting an injunction shall (1) be in writing (2) be specific in terms, and (3) describe in reasonable detail, and not by reference to the complaint or other document, the act sought to be mandated or prohibited."); 15-503(a) ("Except as otherwise provided in this Rule, a court may not issue a temporary restraining order or preliminary injunction unless a bond has been filed. The bond shall be in an amount approved by the court for the payment of any damages to which a party enjoined may be entitled as a result of the injunction."); 15-504(c) (listing formal requirements that must be in a temporary restraining order, including the date and hour of issuance, a definition of the harm that will result if not for the temporary restraining order, a basis for the court's finding of irreparable harm, a means to apply for modification or dissolution of the temporary restraining order, and an expiration date of the temporary restraining order); 15-505(a) ("A court may not issue a preliminary injunction without notice to all parties and an opportunity for a full adversary hearing on the propriety of its issuance."). The reasons for the order were not in writing and in specific detail, and no bond was required. Further, Rule 15-504's requirements for a temporary restraining order were not fulfilled, nor were Rule 15-505's requirements for a preliminary injunction. Because these formal requirements are lacking and because the order was granted pursuant to CA § 4A-607 rather than a request for injunctive relief, this order is not appealable as an injunction under CJP § 12-303(3)(i).

to fashion a charging order, (2) that Mr. Rand's failure to take affirmative action to exempt personal property from a levy or attachment under CJP § 11-504(b)(5) somehow operates as a waiver of the exception in this order, and (3) that the exception should be analogized to a wage garnishment and that we should adopt the employee test the Supreme Court of the United States adopted for Title VII employment discrimination cases in *Clackamas Gastroenterology Associates v. Wells*, 538 U.S. 440 (2003). Mr. Steinberg did not present any of these arguments below in the hearing before the circuit court. As such, the circuit court did not have the opportunity to rule on these novel arguments. Thus, even if this order were appealable, Mr. Steinberg has not preserved the arguments presented in his briefing. *See* Md. Rule 8-131(a) ("Ordinarily, the appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court . . . .").

We hold that the order is not appealable under CJP §§ 12-301 or 12-303, and, therefore, the appeal is dismissed.

APPEAL DISMISSED.

COSTS TO BE PAID BY THE APPELLANT.