

Circuit Court for Baltimore County
Case No.: 03-C-18-002091

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2045

September Term, 2022

HERBERT SOWE

v.

RONNIE TURNER, *et al.*

Reed,
Ripken,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 30, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Herbert Sowe, appellant, appeals from an order by the Circuit Court for Baltimore County denying his motion for summary judgment. In that motion, he sought to terminate an administrative earnings withholding notice issued by the Baltimore County Office of Child Support, appellee, that required his employer to deduct his court-ordered child support obligation. In its brief, the Office moves to dismiss this appeal as premature.

Generally, appeals may only be taken from final judgments. *See* Md. Code Ann., Cts. & Jud. Proc. § 12-301. The denial of a motion for summary judgment is not a final judgment. *See Mathis v. Hargrove*, 166 Md. App. 286, 302–03 (2005). Further, although interlocutory orders “[d]epriving a parent . . . of the care and custody of [their] child,” are immediately appealable, Md. Code Ann., Cts. & Jud. Proc. § 12-303(3)(x), no such statutory exception exists for orders involving child support. The challenged order is also not appealable under the collateral order doctrine because it does not meet three of the four requirements: it (1) did not conclusively resolve Sowe’s efforts to vacate his child support order; (2) was not completely separate from the merits of the child support case in which the motion was filed; and (3) did not render the earnings withholding notice unreviewable following the entry of a final judgment. *See Stephens v. State*, 420 Md. 495, 502 (2011). Because this appeal is from a non-appealable interlocutory order, it must be dismissed. Md. Rule 8-602(b)(1).

**APPELLEE’S MOTION TO DISMISS
GRANTED. COSTS TO BE PAID BY
APPELLANT.**