

Circuit Court for Montgomery County  
Case No. 78075FL

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2650

September Term, 2018

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OLEG KAPUSTIN

v.

EVGENIYA LUGOVKIN

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Arthur,  
Gould,  
Zarnoch, Robert A.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: August 30, 2019

\*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.

Oleg Kapustin, appellant, and Evgeniya Lugovkin, appellee, have been involved in a custody dispute regarding their two minor children for over ten years. On November 8, 2017, the court issued an interim custody order awarding sole legal and physical custody of the children to Ms. Lugovkin and granting Mr. Kapustin supervised visitation every Saturday or Sunday for a period of twelve weeks. After the court entered that order, both parties filed petitions for contempt. Mr. Kapustin also filed an “emergency counterclaim,” requesting the court to modify the interim custody order and remove his youngest child from Ms. Lugovkin’s home.

On July 27, 2018, the court issued an order suspending Mr. Kapustin’s supervised visitation with his youngest child. The court then amended that order *nunc pro tunc* on October 1, 2018, to correct a typographical error (*nunc pro tunc* order). On September 19, 2018, the court held a hearing on the parties’ contempt petitions and Mr. Kapustin’s counterclaim. At the hearing, Ms. Lugovkin withdrew her petitions for contempt. The court then provided Mr. Kapustin with an opportunity to be heard on his contempt petition and counterclaim. However, Mr. Kapustin refused to sit at the counsel table, give his full name to the court, take the oath, present any evidence, or participate in the proceedings, other than to question the jurisdiction of the court. Consequently, the court entered an order on October 11, 2018, dismissing his contempt petition and counterclaim without prejudice (dismissal order).

On October 25, 2018, Mr. Kapustin filed a notice of appeal. He presents ten questions for our review, which we quote verbatim:

- (1) Was the trial court termination of parental relationships with a fit parent [in] accordance with due process and legally correct?
- (2) Must the trial court decisions be established upon facts, presented by competent witnesses under oath, and not the attorneys, or other court helpers unsworn statements and opinions according to the law and due process?
- (3) Must the trial court judge establish on the record[] his oath of office upon request by a party in order to keep his personal and subject matter jurisdiction in a case in compliance with 5 USC 3331, 28 USC 453 and Maryland Constitution Art. 1, § 9?
- (4) Must the trial court judge abide by judicial notices in his/her decisions under authority of Federal Rules of Evidence 201
- (5) Once the legal authorities and constitutional law presented as judicial notices, does the trial judge have the duty to act to equally protect the rights of the parties to avoid damages according to Maryland Constitution Art. 46?
- (6) Must child custody cases be adjudicated by courts of equity and both parties be equally protected from damages in equity?
- (7) Must administrative judges and magistrate [judges] disclose material facts of their financial interests and financial gain according to any contractual arrangements with third parties, agencies, securities invested etc.?
- (8) When a motion presented to court, which is unanswered during 90 days with the following granted default order, can the trial court have recognizance on already adjudicated and settled matter?
- (9) What are the criteria for best interests of the children? How the house with a parent of \$0 income on the records and three children of different sex in a small apartment is [in] the best interest[s] of the children, when one child constantly escapes from it?
- (10) Is \$0 income on the records for 17 years of a female parent presence in the country a credible fact for a judge's decision?

For the reasons that follow, we shall affirm.

The only orders that the circuit court entered within 30 days of Mr. Kapustin filing the notice of appeal are the October 1 *nunc pro tunc* order and the October 18 dismissal

order. Therefore, those are the only orders that could have been timely appealed. *See* Maryland Rule 8-202(a) (stating that a notice of appeal must generally “be filed within 30 days after entry of the judgment or order from which the appeal is taken”). However, Mr. Kapustin does not raise any specific claims of error with respect to either order. Rather, most of his contentions appear to address the validity of the November 8, 2017, interim custody order, which was not timely appealed and therefore, is not properly before this Court. Moreover, to the extent Mr. Kapustin is challenging the *nunc pro tunc* order and the dismissal order, the arguments raised in his brief consist entirely of conclusory allegations of error by the trial court and are not set forth with sufficient particularity to facilitate meaningful appellate review. Consequently, we will not consider those arguments on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal”).<sup>1</sup>

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

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<sup>1</sup> Nevertheless, we are not persuaded that the court erred in entering either order. The October 1 *nunc pro tunc* order merely corrected a clerical error in the July 27, 2018, order suspending Mr. Kapustin’s supervised visitation. And the July 27 order is now moot as the court entered a new interim custody order in April 2019 that reinstated Mr. Kapustin’s supervised visitation. Moreover, the court did not err in entering the dismissal order because Mr. Kapustin refused to present evidence in support of his contempt petition and counterclaim.