
By: **Delegates Trueschler, Boteler, Conroy, DeBoy, McComas, and McMillan**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - Interlocutory Orders - Right of Appeal**

3 FOR the purpose of authorizing an appeal from an interlocutory order of a circuit
4 court that denies or grants a class certification under certain circumstances;
5 making stylistic changes; and generally relating to an appeal from an
6 interlocutory order of a circuit court concerning a class certification under
7 certain circumstances.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 12-303
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 12-303.

17 A party may appeal from any of the following interlocutory orders entered by a
18 circuit court in a civil case:

19 (1) An order entered with regard to the possession of property with
20 which the action is concerned or with reference to the receipt or charging of the
21 income, interest, or dividends therefrom, or the refusal to modify, dissolve, or
22 discharge such an order;

23 (2) An order granting or denying a motion to quash a writ of attachment;
24 and

25 (3) An order:

- 1 (i) Granting or dissolving an injunction, but if the appeal is from
2 an order granting an injunction, only if the appellant has first filed [his] AN answer
3 in the cause;
- 4 (ii) Refusing to dissolve an injunction, but only if the appellant has
5 first filed [his] AN answer in the cause;
- 6 (iii) Refusing to grant an injunction; and the right of appeal is not
7 prejudiced by the filing of an answer to the bill of complaint or petition for an
8 injunction on behalf of any opposing party, nor by the taking of depositions in
9 reference to the allegations of the bill of complaint to be read on the hearing of the
10 application for an injunction;
- 11 (iv) Appointing a receiver but only if the appellant has first filed
12 [his] AN answer in the cause;
- 13 (v) For the sale, conveyance, or delivery of real or personal property
14 or the payment of money, or the refusal to rescind or discharge such an order, unless
15 the delivery or payment is directed to be made to a receiver appointed by the court;
- 16 (vi) Determining a question of right between the parties and
17 directing an account to be stated on the principle of such determination;
- 18 (vii) Requiring bond from a person to whom the distribution or
19 delivery of property is directed, or withholding distribution or delivery and ordering
20 the retention or accumulation of property by the fiduciary or its transfer to a trustee
21 or receiver, or deferring the passage of the court's decree in an action under Title 10,
22 Chapter 600 of the Maryland Rules;
- 23 (viii) Deciding any question in an insolvency proceeding brought
24 under Title 15, Subtitle 1 of the Commercial Law Article;
- 25 (ix) Granting a petition to stay arbitration pursuant to § 3-208 of
26 this article;
- 27 (x) Depriving a parent, grandparent, or natural guardian of the
28 care and custody of [his] A child, or changing the terms of such an order; [and]
- 29 (xi) Denying immunity asserted under § 5-525 or § 5-526 of this
30 article; AND
- 31 (XII) GRANTING OR DENYING A CLASS CERTIFICATION IF:
- 32 1. THE PLAINTIFF SEEKS DAMAGES ON A CLASS-WIDE BASIS
33 IN EXCESS OF \$1,000,000 OR THE CLASS CONTAINS MORE THAN 1,000 MEMBERS; AND
- 34 2. A NOTICE OF APPEAL IS FILED:
- 35 A. WITHIN 10 DAYS OF THE DATE THE INTERLOCUTORY
36 ORDER IS ENTERED; OR

