

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 992
Judiciary

(Delegate Trueschler, *et al.*)

Circuit Courts - Interlocutory Orders - Right of Appeal

This bill authorizes an appeal from an interlocutory order entered by a circuit court in a civil case granting or denying a class certification under specified circumstances.

Fiscal Summary

State Effect: The change is procedural in nature and would not directly affect judicial expenditures, but may have an effect on judicial operations, due to more appeals being filed.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A party may appeal from an interlocutory order entered by a circuit court in a civil case granting or denying a class certification if:

- the plaintiff seeks damages on a classwide basis in excess of \$1 million or the class contains more than 1,000 members; and
- notice of appeal is filed within 10 days of the date the interlocutory order is entered or before July 1, 2005, if the interlocutory order is entered before June 1, 2005 in a case pending on June 1, 2005.

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

- an order entered with regard to the possession of property or with reference to the receipt or charging of the income, interest, or dividends, or the refusal to modify, dissolve, or discharge such an order;
- an order granting or denying a motion to quash a writ of attachment; and
- an order:
 - granting or dissolving an injunction;
 - refusing to dissolve an injunction;
 - refusing to grant an injunction;
 - appointing a receiver;
 - 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;
 - determining a question of right between the parties and directing an account to be stated on the principle of the determination;
 - requiring bond from a person to whom the distribution or delivery of property is directed, or withholding distribution or delivery and ordering the retention or accumulation of property or its transfer to a trustee or receiver, or deferring the passage of the court's decree;
 - deciding any question in an insolvency;
 - granting a petition to stay arbitration;
 - depriving a parent, grandparent, or natural guardian of the care and custody of his child; or
 - denying immunity.

Additional Comments: On February 18, 2005, the President Bush signed the Class Action Fairness Act. It is unclear how this bill will affect class action suits filed in the State and, therefore, the judicial workload, both in general and as it pertains to this bill. The Act grants federal courts original jurisdiction of any civil action in which the matter in controversy exceeds \$5 million and is between citizens of different states.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2005
mam/jr

Analysis by: Kineta A. Rotan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510