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By: **Delegates Arnick and Poole**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

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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 if the order dismisses at any time a count in the complaint in a case in  
5 which the State is a party; making this Act an emergency measure; and  
6 generally relating to an appeal from a certain interlocutory order.

7 BY repealing and reenacting, with amendments,  
8 Article - Courts and Judicial Proceedings  
9 Section 12-303  
10 Annotated Code of Maryland  
11 (1995 Replacement Volume and 1997 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 12-303.

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

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

22 (2) An order granting or denying a motion to quash a writ of attachment.

23 (3) An order:

24 (i) Granting or dissolving an injunction, but if the appeal is from  
25 an order granting an injunction, only if the appellant has first filed his answer in the  
26 cause.

1 (ii) Refusing to dissolve an injunction, but only if the appellant has  
2 first filed his answer in the cause.

3 (iii) Refusing to grant an injunction; and the right of appeal is not  
4 prejudiced by the filing of an answer to the bill of complaint or petition for an  
5 injunction on behalf of any opposing party, nor by the taking of depositions in  
6 reference to the allegations of the bill of complaint to be read on the hearing of the  
7 application for an injunction.

8 (iv) Appointing a receiver but only if the appellant has first filed his  
9 answer in the cause.

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

13 (vi) Determining a question of right between the parties and  
14 directing an account to be stated on the principle of such determination.

15 (vii) Requiring bond from a person to whom the distribution or  
16 delivery of property is directed, or withholding distribution or delivery and ordering  
17 the retention or accumulation of property by the fiduciary or its transfer to a trustee  
18 or receiver, or deferring the passage of the court's decree in an action under Maryland  
19 Rule V79.

20 (viii) Deciding any question in an insolvency proceeding brought  
21 under Title 15, Subtitle 1 of the Commercial Law Article.

22 (ix) Granting a petition to stay arbitration pursuant to § 3-208 of  
23 this article.

24 (x) Depriving a parent, grandparent, or natural guardian of the  
25 care and custody of his child, or changing the terms of such an order.

26 (xi) Denying immunity asserted under § 5-525 or § 5-526 of this  
27 article.

28 (XII) DISMISSING AT ANY TIME A COUNT IN THE COMPLAINT IN A  
29 CASE IN WHICH THE STATE IS A PARTY.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
31 measure, is necessary for the immediate preservation of the public health and safety,  
32 has been passed by a ye and nay vote supported by three-fifths of all the members  
33 elected to each of the two Houses of the General Assembly, and shall take effect from  
34 the date it is enacted.