

JEFFREY DAVID BUDDLE	*	IN THE
<i>Petitioner,</i>	*	CIRCUIT COURT
v.	*	FOR
HANNAH ELIZABETH DUNN	*	QUEEN ANNE'S COUNTY
<i>Respondent.</i>	*	Case No. C-17-FM-19-000152

\* \* \* \* \*

**MEMORANDUM IN SUPPORT OF PETITIONER'S REQUEST TO EXTEND**

**I. Factual & Procedural History**

The District Court of Maryland for Queen Anne's County granted Petitioner Jeffrey David Buddle ("Mr. Buddle") a Final Protective Order ("FPO") against Respondent Hannah Dunn, his ex-girlfriend, on June 26, 2018, by consent of Respondent. The FPO was in place until March 26, 2019, and prohibited Respondent from contacting Mr. Buddle "by any means." Throughout the duration of the FPO, Respondent repeatedly and intentionally violated the terms of the FPO through numerous phone calls and harassing text messages from either herself directly or her mother acting as her agent.

In light of Respondent's violative actions, Mr. Buddle filed a Petition for Extension of the Final Protective Order with the District Court of Maryland for Queen Anne's County on March 22, 2019. Before the Court set a hearing date, Respondent filed an Opposition to the Petition for Extension on April 2, 2019. Thereafter, a hearing was scheduled for April 12, 2019 (originally scheduled for April 23<sup>rd</sup>, but moved up by mutual consent of counsel and the Court). At that hearing, the District Court ruled that because the Final Protective Order had expired before the date of the hearing, the FPO had lapsed and therefore denied the Petition to Extend the FPO on the

grounds that there was nothing to extend. Mr. Buddle filed a Notice of Appeal to the Circuit Court of Queen Anne's County on May 10, 2019.

## **II. Argument**

The Maryland Family Law Article § 4-507 controls the modification or recession of protective orders. It states that “a judge may extend the term of [a] protective order for 6 months” for good cause after notice to relevant parties and a hearing. Md. Family L. Art. § 4-507(a)(2). It also states that a two (2) year extension may be granted based on either a finding of “a subsequent act of abuse” or consent by the respondent. Md. Family L. Art. § 4-507(a)(3)(i). Further, “[i]f, during the term of a final protective order, a petitioner or person eligible for relief files a motion to extend the term of the order . . . the court *shall* hold a hearing on the motion within thirty (30) days after the motion is filed.” Md. Family L. Art. § 4-507(a)(4)(i) (emphasis added). Most relevant to the present issue, the Maryland Family Law Article also states that “[i]f the hearing on the motion is scheduled after the original expiration date of the final protective order, *the court shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion.*” Md. Family L. Art. § 4-507(a)(4)(ii) (emphasis added).

The facts of the instant case apply exactly to the situation provided for in § 4-507(a)(4)(ii). The term of Mr. Buddle's FPO was set to expire on March 26, 2019; however, Mr. Buddle filed the Petition for Extension of the FPO on March 22, 2019. A hearing was initially set on April 2, 2019 (after Respondent's Opposition was filed, for April 23, 2019), and subsequently rescheduled by consent of counsel for April 12, 2019. Under § 4-507(a)(4)(i), the court was required by statute to hold a hearing, and under § 4-507(a)(ii), Mr. Buddle's FPO should have been extended in full force and effect until April 12, 2019, the date of the hearing, as the Petition for Extension was filed before the expiration of the term of the FPO. Therefore, the District Court erred in refusing to

allow the moving party to be heard on the issue of extension. The fact that the court failed to schedule a hearing prior to the FPO's expiration and, as required by statute, extend the terms of that Order until such hearing, should not result in prejudice to Petitioner...especially in cases of domestic violence and protective order situations (the entire purpose of the statute's subsections as explained below).

Respondent and the District Court relied on *La Valle v. La Valle*, 432 Md. 343 (2013), which presented a similar factual situation to the case at issue. The Petition to Extend the FPO in the *La Valle* case was filed prior to the expiration of the term of the FPO, but the hearing was held two days *after* its expiration. *Id.* at 348–49. The court denied the extension, holding that § 4–507 did not “permit a court to extend an expired protective order, even when the motion to extend such order was timely filed during the term of the order,” explaining that “[a]n expired protective order no longer exists, and an untimely hearing cannot receive it.” *Id.* at 357.

The *La Valle* case would seem to be on point and therefore preclude an extension of Mr. Buddle's FPO; however, § 4–507(a)(4) was added to the Maryland Family Law Article in 2014 *after* the *La Valle* case was decided in 2013 (and, the undersigned will argue, *because* of that decision). This added subsection directs that the court must hold a hearing at which the Petitioner can be heard, keeping the FPO “in full force and effect” until such hearing. Md. Family L. Art. §4–507(a)(4). The court's reliance on the portion of *La Valle* which held that if a protective order is expired there is nothing to extend, was misplaced in this particular instance since the Legislature remedied the oversight contemplated in that case with the subsequent change to the statute. The *La Valle* court stated: “[h]ad the Legislature intended to provide for the extension of the duration of a protective order after expiration, surely, in keeping with its purpose, it would have made a specific provision . . . for the order to remain in effect immediately upon the motion being filed.”

*La Valle*, 432 Md. at 358. By adding the new subsection §4-507(a)(4), that's *exactly* what the Legislature did. MARYLAND STATE BAR ASSOCIATION, INC., DOMESTIC VIOLENCE CASES: HANDLING THEM EFFECTIVELY IN MARYLAND DISTRICT AND CIRCUIT COURTS, Ch.V § V.G. (2017). "In response to the *La Valle* decision, the Maryland Legislature added a mechanism by which the court will now automatically extend a final protective order by 30 days if a motion to extend has been filed, and must hold a hearing on the motion within that 30 day period." *Id.*

It was the Legislature's intention that when a Respondent files for an extension of a FPO before its term has expired, just as Mr. Buddle's did, that protective order remain in full force and effect until a hearing is held – a hearing which the court is required to hold within thirty (30) days of such motion. *See* 2014 Md. Laws Ch. 164 (S.B. 434). Mr. Buddle, therefore, was denied his statutorily mandated right to be heard on his Petition for Extension of the FPO and is entitled to a hearing on the matter.

COUNCIL, BARADEL,  
KOSMERL & NOLAN, P.A.

By:



Morgan E. Foster (CPF #1406130002)  
Abigail Pearlman (CPF #1712140107)  
125 West Street, 4<sup>th</sup> Floor  
Annapolis, Maryland 21401  
Phone (410) 268-6600  
Facsimile (410) 269-8409  
[Foster@CouncilBaradel.com](mailto:Foster@CouncilBaradel.com)  
[Pearlman@CouncilBaradel.com](mailto:Pearlman@CouncilBaradel.com)

*Attorneys for Petitioner*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of June, 2019, a copy of the foregoing Memorandum in Support of Petitioner's Request to Extend was hand delivered, to Respondent, Hannah Elizabeth Dunn at the hearing held at Queen Anne's County Circuit Court, 200 N. Commerce Street, Centerville, Maryland 21617.

/s/ Morgan E. Foster  
Morgan E. Foster