

JOHN BERMAN

v.

DAVID MODELL, et al.

IN THE

SUPREME COURT

OF MARYLAND

Petition No. 209  
September Term, 2023

(No. 1621, Sept. Term, 2022  
Appellate Court of Maryland)

(Cir. Ct. No. 448187V)

O R D E R

More than 15 days after the Appellate Court entered its mandate on August 16, 2023, John Berman filed his petition for writ of certiorari on September 15, 2023. As the respondents contend in their answer to the petition, the petition is untimely because, as required by Rule 8-302(a), a petition must be filed no later than 15 days after the Appellate Court's mandate. Mr. Berman has filed a reply to the respondents' answer, but the reply does not address the timeliness of the petition.

Accordingly, it is this 21<sup>st</sup> day of November 2023, by the Supreme Court of Maryland,

ORDERED that the petition for writ of certiorari is dismissed as untimely filed.



/s/ Matthew J. Fader  
Chief Justice

\*Justice Gould did not participate in the consideration of this matter.

John L Berman

Appellant

vs.

David P Modell

Appellee

\*  
IN THE

\*  
APPELLATE COURT OF  
MARYLAND

\*  
NO. 1621

\*  
SEPTEMBER TERM, 2022

\*  
**ORDER**

By Order dated April 25, 2023, this Court directed Appellant to file eight (8) copies of a corrected brief and eight (8) copies of a record extract, on or before June 8, 2023. Corrected briefs and record extracts not having been filed, it is this 10th day of July, 2023, by the Appellate Court of Maryland,

ORDERED that the captioned appeal is dismissed pursuant to Maryland Rule 8-602(c) (6). Pursuant to Rule 8-602(e)(1), any motion for reconsideration of this dismissal must be filed within twenty (20) days of the date of this Order.



CHIEF JUDGE'S SIGNATURE APPEARS  
ON ORIGINAL ORDER

Gregory Wells, Chief Judge

JOHN L. BERMAN,  
Appellant,  
v.  
DAVID P. MODELL,  
Appellee.

\* IN THE  
\* APPELLATE COURT  
\* OF MARYLAND  
\* No. 1621, September Term 2022  
\* MDEC: CSA-REG-1621-2022  
\* Cir. Ct. No. 448187V  
\* \* \* \* \*

**ORDER**

On July 6, the appellee filed a Motion to Extend Time to File Appellee's Brief. On July 10, this Court dismissed the captioned appeal pursuant to Maryland Rule 8-602(c)(6). Upon consideration of the foregoing, it is, this 19th day of July 2023, by the Appellate Court of Maryland,

ORDERED that the appellee's motion is denied as moot.

Because my motion  
for reconsideration was  
prejudged as DENIED



CHIEF JUDGE'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

Gregory Wells, Chief Judge

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY,  
MARYLAND

DAVID MODELL

vs.

448187V

JOHN BERMAN, ET AL.

SHOW CAUSE ORDER

It appearing to the Court that the Defendant/Appellant has failed to comply with the Maryland Rules of Procedure as indicated below:

- (X) 1. The Notice of Appeal or Application for Leave to Appeal has not been filed within the time prescribed by Rules 8-202 or 8-204.
- ( ) 2. After the Clerk of the lower court has prepared the record pursuant to Rule 8-413 and the appellant has failed to pay for the record.
- (X) 3. The appellant has failed to deposit with the Clerk of the lower court the filing fee required by Rule 8-201(b).
- ( ) 4. By reason of any other neglect on the part of the appellant the record has not been transmitted to the appellate court within the time prescribed in Rule 8-412.

IT IS HEREBY ORDERED, this 20th day of September, 2022 that the Notice of Appeal will be stricken unless the Defendant shows cause to the contrary in writing, within fifteen (15) days after the service of this Show Cause Order.

Entered: Clerk, Circuit Court for  
Montgomery County, MD  
September 21, 2022

  
\_\_\_\_\_  
Jill R. Cummins  
The Honorable Judge Jill R. Cummins  
Acting Administrative Judge of the Circuit Court  
for Montgomery County, Maryland

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY,  
MARYLAND

DAVID MODELL

CIVIL CASE NO. 448187

vs.

JOHN BERMAN

ORDER

Upon consideration of the Defendant's Answer to Show Cause, and having deemed that good cause was not demonstrated, it is, hereby,

ORDERED that the Notice of Appeal in the above-referenced case is STRICKEN.

10/14/2022 5:33:55 PM

10/14/2022



Michael J. McAuliffe

The Honorable Judge  
of the Circuit Court for Montgomery County, Maryland

Entered: Clerk, Circuit Court for  
Montgomery County, MD  
October 17, 2022

10/13/2022 10:08:47 AM  
This is a proper order to be signed  
  
Martha P. Hager-Robin  
Special Magistrate

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

John L Berman,

Appellant

v.

David P Modell,

Appellee

\*

\* No. 1242, September Term 2022

\* CSA-REG-1242-2022

\* Circuit Court No. 448187V

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\* \* \* \* \*

**ORDER**

On October 17, 2022, the Circuit Court for Montgomery County entered an order striking the Notice of Appeal filed by the appellant on September 13, 2022. Accordingly, it is this 9<sup>th</sup> day of November 2022, by the Court of Special Appeals,

ORDERED that the captioned appeal is administratively closed.

By direction of the Chief Judge



Rachel Dombrowski

Rachel Dombrowski, Chief Deputy Clerk