

No. 26-____

IN THE
Supreme Court of the United States

JOSEPH BASSO,

Petitioner,

v.

JOSE RODRIGUEZ AND JAVIER SZUCHMAN,

Respondents.

**On Petition for a Writ of Certiorari to the
Maryland Supreme Court**

PETITION FOR WRIT OF CERTIORARI

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July 20, 2026

QUESTIONS PRESENTED

1. As a Question of First Impression, consistent with *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), *Williams v. Pennsylvania*, 579 U.S. 1 (2016), and *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813 (1986)) does the Due Process Clause of Fourteenth Amendment examinable through established constitutional, statutory, and ethics rules, apply to disqualify or otherwise require an evidentiary hearing, when it is serendipitously discovered for the first time during a state court appeal, heightened with strong proof this matter constitutes “extreme facts” rising to a Constitutional level, when the single-page final judgment order, purportedly entered by a qualified retired senior judge assigned the case, was instead under the objective test in *Caperton*, done by an apparent categorically ineligible for recall former jurist also practicing law as an attorney?
2. Should Summary Reversal and Remand be issued after the Maryland Supreme Court, recently adopted the need for greater specificity in Statutory Attorney Fee “Memoranda” in *Sugarloaf All. v. Frederick Co.*, No. 32, Sept. Term 2025 (Dec. July 14, 2026), specifically argued below by Petitioner as legal error?

PARTIES TO THE PROCEEDINGS

Petitioner Joseph Basso, is the plaintiff in the Circuit Court for Prince George's County, Maryland, Appellant in the Appellate Court of Maryland (ACM), and Petitioner in the Supreme Court of Maryland (SCM) and this Court. Petitioner Basso is an individual, and there is no corporate ownership to disclose.

Respondents Jose Rodriguez and Javier Szuchman, are Defendants in the Circuit Court, Appellees in the ACM, and Respondents in the SCM and this Court.

STATEMENT OF RELATED PROCEEDINGS

This case arises from or is related to the following proceedings in the Appellate Court of Maryland and Maryland Supreme Court.

1. *Basso v. Campos*, 233 Md. App. 461 (2017) (Previous Reported reversal of Retired Judge Thomas Smith's Entry of Judgment prior to Jury Verdict by Appellate Court of Maryland (Court known previously as Court of Special Appeals of Maryland);
2. *Basso v. Campos & Assocs. Realty*¹, 2025 Md. App. LEXIS 618 (July 23, 2025) (Unreported)

¹ The identified Appellees/ Respondents are incorrect, as Campos and Associates Realty have not been involved since 2017. The actual Defendants found liable for fraud, misrepresentation and violations of Maryland's Consumer Protection Act are Rodriguez and Szuchman.

(No. 2100, Sept. Term, 2019 & No. 2167, Sept. Term, 2023))(3a-26a);

3. *Basso v. Rodriguez and Szuchman, certiorari granted on Question Presented 4*, 492 Md. 644 (Nov. 24, 2025), (52a-55a) Docket No. 45, September Term 2025; *PC Order dismissing appeal, Basso v. Rodriguez*, 493 Md. 27 (January 23, 2026) (58a-62a), reconsideration on procedural dismissal under Maryland Rule 8-602 filed February 12, 2026 (63a-74a), denied February 20, 2026 and Mandate Issued by Supreme Court of Maryland with Costs (75a-76a); Motion to Recall Mandate and/or “Deconsolidate” Appeals, filed Monday, February 23, 2026 (77a-84a); Order Denying Motion to Recall Mandate and/or Deconsolidate Appeals (entered March 19, 2026)(85a);
4. *Sugarloaf All., Inc. v. Frederick Cnty.*, 265 Md. App. 199 (Dec. May 1, 2025), *Writ of certiorari granted*, (Sept. 19, 2025); *Reversed by, in part, Remanded by, Sugarloaf All. Inc. v. Frederick Cnty.*, 2026 Md. LEXIS 325 (July 14, 2026).

There are no other proceedings in state or federal trial or appellate courts directly related to this case within the meaning of this Court’s Rule 14.1(b)(iii).

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Joseph Basso respectfully petitions for a writ of certiorari to review the judgments of the Appellate Court of Maryland and Maryland Supreme Court.

OPINIONS BELOW

This case arises from and is related to the following proceedings in the Circuit Court for Prince George's County, Maryland, Appellate Court of Maryland, and the Supreme Court of Maryland.

1. Retired Senior Judge Dwight Jackson's single page denial decision in *Basso v. Rodriguez and Javier Szuchman*, CAL 14-30313, dated December 14, 2023, of all statutory attorneys fees and costs, is unpublished but available and reprinted at 1a-2a;
2. *Basso v. Rodriguez and Szuchman*² (Appellate Court of Maryland), consists of two consolidated appeals of No. 2100, Sept. Term 2019 (Attorney fees against Respondents after being found to have violated Rule 1-341, bad faith or without substantial justification misconduct), and No. 2167, Sept. Term 2023 (Statutory Attorney to be awarded from June 12 and 13, 2019 jury verdicts, of "reasonable attorneys fees" under Maryland Consumer Protection Act (MCPA)), both appeals

² As noted *infra* in Footnote 1, the ACM erroneously lists the primary Appellees/Respondents as "Campos & Associates Realty" who have not been part of the litigation case since 2017.

being affirmed in a consolidated Unreported Opinion and reprinted at 3a-26a;

3. *Basso v. Rodriguez and Szuchman*, (Maryland Supreme Court), *Petition for Certiorari granted* (on Question Presented Four)³, 492 Md. 644 (Nov. 24, 2025)(52a-55a); *Per Curiam* Majority Procedural Dismissal under Maryland Rule 8-502, 493 Md. 27 (Jan. 23, 2026) (58a-62a)

³ As noted *verbatim* by the Maryland Supreme Court: “Petition for writ of certiorari granted. Transferred to the regular docket as No. 45, September Term, 2025.

Issue — Maryland Rules — Under Maryland Rule 1-341, where a court finds that the conduct of a party in maintaining or defending any proceeding was in bad faith or without substantial justification, may the court require the offending party and/or attorney to pay reasonable attorney's fees to the adverse party, where the adverse party is represented by counsel under the terms of a contingency fee agreement?”

Basso v. Rodriguez, 492 Md. 644, 645 (2025)(52a-53a)

STATEMENT OF JURISDICTION

A timely appeal was filed originally in December 2019, on Retired Judge Thomas Smith’s denial of a 1-341 Motion for Sanctions against Respondents.⁴

This got “Stayed” by the ACM for about four years, while the parties awaited a hearing on the merits of the Statutory Attorney’s Fees Petition, under Maryland Rule 2-703. After the case was originally assigned to Retired Judge Smith in 2016 through 2019,⁵ it was then by the Administrative

⁴ The Sanctions was granted by Retired Judge Smith against Respondents for keeping without merit motions pending for years, which was done even well after losing the first appeal, in *Basso v. Campos*, 233 Md. App. 461 (2017). Judge Smith eventually adopted Respondents’ contention through counsel, precedential case law of the ACM in *Seney v. Seney*, 97 Md. App. 544 (1993), precluded Plaintiffs and their counsels in contingency fee agreements, from ever seeking relief against any Defendants in Maryland for any and all misconduct or groundless litigation. Meanwhile, Defendants represented by hourly insurance companies, under *Worsham v. Greenfield*, 435 Md. 349 (2013), can seek Rule 1-341 attorney’s fees.

⁵ There’s a reference in the ACM opinion, speculating Judge Jackson’s summary Order (written almost *verbatim* from an *ex parte* submitted and non-e-filed “Proposed Order” denying all Attorney’s Fees and Costs), done regardless of Petitioner and Counsel “overwhelmingly won his case,” (24a) could be based

Judge, reassigned to Retired Judge Dwight Jackson in July 2020. Multiple consent requests for a hearing

on about 2% percentage of work was “unreasonable” such as requesting an administrative judge’s recusal earlier in the case. (17a)

Left out by the ACM and Respondents (and not part of the 1-page Order giving zero explanation by Retired Judge Jackson) (1a-2a), is the associate attorney arguing the case at that time, a Ms. Spiering, had just completed a clerkship with the same judge ruling positively in Respondents’ favor. Both Respondents and the judge, failed to disclose and by necessary implication, concealed their relationship, whereby the clerk was apparently arguing her first contested hearing as an attorney, as *Respondents’ Counsel*.

In other words, most every judge and attorney nationwide, should know a clerk having just completed their employment clerkship, with recent letters of recommendation and other conversations being customary with a judge, it is not ethically appropriate, to not disclose such a recent employment relationship, should there be a hearing before said judge, for potential recusal. Yet, in Prince George’s County, this was treated as normal and ethically acceptable. *But see*, Maryland Judicial Ethics Committee Opinion Number 2017-21 (noting under these circumstances, disclosure is mandatory).

on the merits were ignored by Judge Jackson, on the about 40-page Motion on 2-703 Attorneys Fees and Costs, with detailed Affidavits detailing the *Johnson* factors, and over 100 pages of attorney time billing and costs, after succeeding as a prevailing party on all causes of actions including findings of fraud for punitive damages. Yet, no hearing was held by Retired Judge Jackson until July 2023, with an Order five months later, dated December 14, 2023. (1a-2a) A timely appeal filing was noted on January 10, 2024.

A panel in the Appellate Court of Maryland (ACM), issued an unreported Opinion affirming the one-page Order by Retired Judge Jackson, and concluding *Seney v. Seney*, 97 Md. App. 544 (1993) applied as precedent⁶ (3a-26a). Certiorari was timely sought with the Maryland Supreme Court on September 9, 2025.

However, two additional matters developed in these few months, going to procedural and jurisdictional matters in the Petition *sub judice*. First, a different case involving Md. Rule 2-703 Statutory Attorney's Fees, had just been granted *certiorari* on September 19, 2025, by the Maryland

⁶ Notably, without addressing subsequent precedents argued by Petitioner such as *Worsham v. Greenfield*, 435 Md. 349 (2013) of the Maryland Supreme Court, which supported contradictory rationales and policies, to that of the ACM in *Seney*, but did not specifically overrule or otherwise harmonize *Seney*, beyond noting the legal issue was not presented in that appeal.

Supreme Court, from a Reported Opinion from the ACM, in *Sugarloaf Alliance v. Frederick County*, 265 Md. App. 199 (Dec. May 1, 2025), *Certiorari granted*, Md. 492 Md. 410 (Sept. 19, 2025). Thus, “Supplemental Authorities” were filed with the Maryland Supreme Court discussing how the *Sugarloaf* case, should be addressed in conjunction with the Certiorari Petition filed earlier in month by Basso. See, Petitioner Basso’s Supplement on Sugarloaf Certiorari Grant, filed October 19, 2025.

Petitioner also provided Supplemental information to the Court, shortly after receipt, of six (6) pages from a Maryland Public Information Act Request, delivered, served, and requested for over six months time, with the Prince George’s County Office of Law, where former Judge Jackson now resided. (27a-33a) This was noted in the Supplemental Authorities filing done on October 22, 2025, titled, Six (6) Pages Of MPIA Materials Received October 10, 2025, From Five Written And Three Verbal Requests Between 5-8-2025 To September 2, 2025 To Prince George’s County (Question Presented Three).

The related legal issue in *Sugarloaf*, was also noted prominently in requesting that the Maryland Supreme Court, as is provided for in Maryland Rule 8-605, to seek “Reconsideration” on the Merits of cases in that Court. As noted, *supra*, this was not predictably permitted, when the Court entered a Mandate on *the entire consolidated appeals cases* at 27 days (75a), on the basis of a procedural concern on “Stipulations” being agreed upon or sought in cases. Nor was there any conceivable prejudice involved.

A month later, Certiorari was not granted (or denied officially) on the three Statutory Attorney's Fees legal issues totaling over \$400,000 in Fees and \$30,000 in unreimbursed expenses. Instead, Certiorari was only granted on Question Presented Four on 1-341 Attorneys Fees seeking about \$16,000 in compensation in Maryland, on important legal issues against good government, and against public policy, that it was not cognizable to seek appropriate remedies for bad faith or meritless actions by Defense Counsels, under Maryland Rule 1-341, Maryland's equivalent of FRCP 11.

With Petitioner's Motion to Recall Mandate (77a-84a), being denied by the Maryland Supreme Court on March 19, 2026 (85a), the original date of the denial of Reconsideration (done the same day as the Mandate), though unnecessarily confusing and capable of interpretation with the 27 days' time period before entering by the Court, constitutes a final judgment on February 20, 2026. (75a, 77a) In part to avoid different interpretations on the deadline for Certiorari with this Court, an Extension request was filed with this Court seeking an additional sixty (60) days time for "good cause" was filed, prior to 10 days before the *earliest* date Certiorari would be due with this Court.

Thus, this denial of Reconsideration, made the original deadline for Certiorari due under this Court's Rule 13(1) and (3), "within 90 days after the entry of the judgment" due on or before May 21, 2026. As a result of the Extensions of Time Request filed with this Court and granted, the time to file the Petition for Writ of Certiorari was extended through

July 20, 2026. *See, Basso v. Rodriguez and Szuchman*, No. 25A1252 The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

PROVISIONS INVOLVED IN THE CASE

U.S. Const. amend. XIV

Section 1 Due Process of Law

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[...]

28 U.S.C. § 1257

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is

specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

(b)

For the purposes of this section, the term “highest court of a State” includes the District of Columbia Court of Appeals.

MARYLAND DECLARATION OF RIGHTS,
ARTICLE 33. REMOVAL OF JUDGES; JUDGES
NOT TO HOLD OTHER OFFICE, RECEIVE
FEES OR PERQUISITES; EXCEPTION.

That the independency and uprightness of Judges are essential to the impartial administration of Justice, and a great security to the rights and liberties of the People: Wherefore, the Judges shall not be removed, except in the manner, and for the causes provided in this Constitution. No Judge shall hold any other office, civil or military, or political trust, or employment of any kind, whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; except that a Judge may be a member of a reserve component of the armed forces of the United States or a member of the militia of the United States or this State; or receive fees, or perquisites of any kind, for the discharge of his official duties.

Md. Dec. of R. art. 33

MARYLAND CONSTITUTION, ARTICLE IV,
SECTION 3A. TEMPORARY ASSIGNMENT OF
FORMER JUDGES

(a)(1) Except as provided in paragraph (2) of this subsection, any former judge, except a former judge of the Orphans' Court, may be assigned by the Chief Justice of the Supreme Court of Maryland, upon approval of a majority of the court, to sit temporarily in any court of this State, except an Orphans' Court, as provided by law.

(2)

(i) A retired judge of the Circuit Court for Montgomery County that sits as the Orphans' Court for Montgomery County may be assigned by the Chief Justice of the Supreme Court of Maryland, upon approval of a majority of the Supreme Court of Maryland, to do an act that a judge of the Orphans' Court for Montgomery County is authorized to perform.

(ii) A retired judge of the Circuit Court for Harford County that sits as the Orphans' Court for Harford County may be assigned by the Chief Justice of the Supreme Court of Maryland, upon approval of a majority of the Supreme Court of Maryland, to do an act that a judge of the Orphans' Court for Harford County is authorized to perform.

(b) The provisions of this section apply, notwithstanding provisions appearing elsewhere in this Article pertaining to retirement of judges upon attaining age 70.

Md. Const. Art. IV, § 3A**MD. RULE 1-341**

(a) Remedial authority of court. — In any civil action, if the court finds that the conduct of any party in maintaining or defending any proceeding was in bad faith or without substantial justification, the court, on motion by an adverse party, may require the offending party or the attorney advising the conduct or both of them to pay to the adverse party the costs of the proceeding and the reasonable expenses, including reasonable attorneys' fees, incurred by the adverse party in opposing it.

(b) Statement regarding costs and expenses, including attorneys' fees. —

(1) Generally. — A motion requesting an award of costs and expenses, including attorneys' fees, shall include or be separately supported by a verified statement that sets forth the information required in subsections (b)(2) or (b)(3) of this Rule, as applicable.

(2) Costs and Expenses other than Attorneys' Fees. — The statement in support of a request for costs and expenses other than attorneys' fees shall itemize the type and amount of the costs and expenses requested and shall include any available documentation of those costs and expenses.

(3) Attorneys' Fees. —

(A) Except as otherwise provided in subsection (b)(3)(B) of this Rule or by order of court, the

statement in support of a request for attorneys' fees shall set forth:

- (i) a detailed description of the work performed, broken down by hours or fractions thereof expended on each task;
- (ii) the amount or rate charged or agreed to in writing by the requesting party and the attorney;
- (iii) the attorney's customary fee for similar legal services;
- (iv) the customary fee prevailing in the attorney's legal community for similar legal services;
- (v) the fee customarily charged for similar legal services in the county where the action is pending; and
- (vi) any additional relevant factors that the requesting party wishes to bring to the court's attention.

(B) Unless otherwise ordered by the court, a statement in support of a request for attorneys' fees not exceeding \$500 need not contain the information set forth in subsection (b)(3)(A)(iv) and (v) of this Rule.

(c) Response. — Within 15 days after the filing of the statement, the offending party may file a response.

(d) Guidelines. — In determining an award of attorneys' fees and related expenses in excess of \$500 under this Rule, the court may consider the Guidelines Regarding Compensable and Non-Compensable Attorneys' Fees and Related Expenses contained in an Appendix to these Rules.

**RULE 2-703. ATTORNEYS' FEES ALLOWED BY
LAW (2020)**

(a) Scope of Rule. This Rule applies to claims for attorneys' fees allowable by law to a party in an action in a circuit court.

Committee note. –

This Rule applies predominantly to actions in which attorneys' fees are allowed by statute. This Rule would also apply where attorneys' fees may be awarded under common law or by a Rule, other than as set forth in Rule 2-702 (b).

(b) Pleading. A party who seeks attorneys' fees from another party pursuant to this Rule shall include a claim for such fees in the party's initial pleading or, if the grounds for such a claim arise after the initial pleading is filed, in an amended pleading filed promptly after the grounds for the claim arose.

(c) Scheduling Conference and Order. Unless the court orders otherwise, if a claim for attorneys' fees is made pursuant to this Rule, the court shall conduct a scheduling conference and, as part of a scheduling order entered pursuant to Rule 2-504 shall:

(1) determine whether to require enhanced documentation, quarterly statements, or other procedures permitted by section (d) of this Rule;

(2) determine whether evidence regarding the party's entitlement to attorneys' fees or the amount thereof may practicably be submitted during the parties' cases-in-chief with respect to the underlying cause of action or should await a verdict by the jury or finding

by the court with respect to that underlying cause of action; and

(3) in light of the determination made under subsection (c)(2), determine whether, pursuant to section (f) of this Rule, any award of attorneys' fees will be included in the judgment entered on the underlying cause of action or as a separate judgment.

Committee note. --

If the court intends to delay the presentation of evidence on the claim for attorneys fees until after a determination of the underlying cause of action, but desires to enter one judgment that would include the denial or grant of an award of attorneys' fees, the jury's verdict or court findings on the underlying cause of action should be docketed, but the court must assure that no judgment is entered on the verdict or findings until the claim for attorneys' fees is resolved.

(d) Enhanced Procedures and Requirements for Certain Cases. Upon a determination by the court that the case is likely to result in a substantial claim for attorneys' fees for services over a significant period of time, the court may:

(1) require parties seeking an award (A) to keep time records in a specific manner, and (B) to provide to parties against whom an award is sought quarterly statements showing the total amount of time all attorneys, paralegals, and other professionals have spent on the case during the quarter and the total value of that time;

(2) determine whether, and to what extent, the Guidelines Regarding Compensable and Non-

Compensable Attorneys' Fees and Related Expenses contained in an Appendix to this Chapter shall be applied; and

(3) establish procedures and time schedules for the presentation of evidence and argument on issues relating to a party's entitlement to an award and the amount thereof.

(e) Evidence. Evidence in support of or in opposition to an award shall focus on the standards set forth in subsection (f)(3) of this Rule.

(f) Determination of Award.

(1) If No Award Permitted. If, under applicable law, the verdict of a jury or the findings of the court on the underlying cause of action do not permit an award of attorneys' fees, the court shall include in its judgment entered on the underlying cause of action the denial of such an award.

(2) If Award Permitted or Required. If, under applicable law, the verdict of the jury or the findings of the court on the underlying cause of action permit but do not require an award of attorneys' fees, the court shall determine whether an award should be made. If the court determines that a permitted award should be made or that under applicable law an award is required, the court shall apply the standards set forth in subsection (f)(3) of this Rule and determine the amount of the award.

Committee note. --

Where the claim for attorneys' fees is based on law, rather than a contract, the determination of whether, in light of the verdict or findings on the underlying cause of action, an award must or should be made

and, if so, the amount thereof is for the court. See *Admiral Mortgage v. Cooper*, 357 Md. 533, 550-53 (2000); *Friolo v. Frankel*, 373 Md. 501, 519 (2003); *Friolo v. Frankel*, 403 Md. 443, 457, n.12 (2008).

(3) Factors to be considered. In making its determinations under subsection (f)(2) of this Rule, the court shall consider, with respect to the claims for which fee-shifting is permissible:

- (A) the time and labor required;
- (B) the novelty and difficulty of the questions;
- (C) the skill required to perform the legal service properly;
- (D) whether acceptance of the case precluded other employment by the attorney;
- (E) the customary fee for similar legal services;
- (F) whether the fee is fixed or contingent;
- (G) any time limitations imposed by the client or the circumstances;
- (H) the amount involved and the results obtained;
- (I) the experience, reputation, and ability of the attorneys;
- (J) the undesirability of the case;
- (K) the nature and length of the professional relationship with the client; and
- (L) awards in similar cases.

Committee note. --

The factors listed in subsection (f)(3) of this Rule have been approved by the Court of Appeals in statutory fee-shifting cases, where the "lodestar method" is applied in determining an award.

See *Monmouth Meadows v. Hamilton*, 416 Md. 325, 333-34 (2010). See Rule 2-705(f) for the factors to be applied in contractual fee-shifting actions.

(g) Judgment. Except as provided in subsection (f)(1) of this Rule, the grant or denial of an award of attorneys' fees may be included in the judgment on the underlying cause of action or in a separate judgment, as directed by the court. The court shall state on the record or in a memorandum filed in the record the basis for its grant or denial of an award.

[Emphasis Added]

MD. RULE 8-602

(a) On motion or court's initiative. — The court may dismiss an appeal pursuant to this Rule on motion or on the court's own initiative.

(b) When mandatory. — The court shall dismiss an appeal if:

(1) the appeal is not allowed by these Rules or other law; or

(2) the notice of appeal was not filed with the lower court within the time prescribed by Rule 8-202.

(c) When discretionary. — The court may dismiss an appeal if:

(1) the appeal was not properly taken pursuant to Rule 8-201;

(2) the appellant has failed to comply with the requirements of Rule 8-205 after being served with a notice pursuant to Rule 8-205 (e);

(3) the record was not transmitted within the time prescribed by Rule 8-412, unless the court finds that the failure to transmit the record was caused by the act or omission of a judge, a clerk of court, the court reporter, or the appellee;

(4) the contents of the record do not comply with Rule 8-413;

(5) a brief or record extract was not filed by the appellant within the time prescribed by Rule 8-502;

(6) the style, contents, size, format, legibility, or method of reproduction of a brief, appendix, or record extract does not comply with Rules 8-112, 8-501, 8-503, or 8-504;

(7) the proper person was not substituted for the appellant pursuant to Rule 8-401; or

(8) the case has become moot.

Cross references. — Rule 8-501 (m).

(d) Determination by court. — An order of the court dismissing an appeal or denying a motion to dismiss an appeal may be entered by the Chief Justice or Chief Judge, an individual justice or judge of the court designated by the Chief Justice or Chief Judge, or the number of justices or judges required by law to decide an appeal.

Cross references. — For the number of justices or judges required by law to decide an appeal, see Maryland Constitution, Article IV, § 14 and Code, Courts Article, § 1-403.

(e) Reconsideration of dismissal. —

(1) Motion for Reconsideration. — No later than 20 days after the entry of an order dismissing an appeal, a party may file a motion for reconsideration of the dismissal.

(2) Number of Judges; Exception. — A motion for reconsideration shall be determined by the number of justices or judges required by law to decide an appeal, except that an individual justices or judge who entered an order of dismissal may rescind the order and reinstate the appeal. The justices or judges who determine the motion for reconsideration may include one or more of the justices or judges who entered the order of dismissal.

Committee note. — Although an individual justices or judge who entered an order of dismissal may rescind the order and reinstate the appeal upon a timely filed motion for reconsideration, a motion for reconsideration of the dismissal may be denied only by the number of justices or judges required by law to decide an appeal.

(3) Determination of Motion for Reconsideration. — The court shall rescind an order of dismissal if:

(A) the court determines that the appeal should not have been dismissed;

(B) the appeal was dismissed pursuant to subsection (c)(2), (c)(3), or (c)(5) of this Rule and the court finds that there was good cause for the failure to comply with the applicable subsection of the Rule; or

(C) the appeal was dismissed pursuant to subsection (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), or (c)(7) of this Rule and the court finds that the interests of justice require reinstatement of the appeal.

(4) Reinstatement. — If an order of dismissal is rescinded, the case shall be reinstated on the docket on the terms and conditions prescribed by the court.

(5) No Further Reconsideration by the Court. —

If an order dismissing an appeal is reconsidered under this section, the party who filed the motion for reconsideration may not obtain further reconsideration of the motion.

[...]

MD. RULE 8-605-RECONSIDERATION**(a) Motion; response; no oral argument. —**

Except as otherwise provided in Rule 8-602 (e), a party may file pursuant to this Rule a motion for reconsideration of a decision by the Court that disposes of the appeal. The motion shall be filed (1) before issuance of the mandate or (2) within 30 days after the filing of the opinion of the Court, whichever is earlier. A response to a motion for reconsideration may not be filed unless requested on behalf of the Court by at least one justice or judge who concurred in the opinion or order. Except to make changes in the opinion that do not change the decision in the case, the Court ordinarily will not grant a motion for reconsideration unless it has requested a response. There shall be no oral argument on the motion.

(b) Content. — A motion or response ordinarily shall be limited to addressing one or more of the following:

(1) whether the Court's opinion or order did not address a material factual or legal matter raised in the lower court and argued by a party in its submission to the Court, and if not raised or argued, a brief statement as to why it was not raised or argued;

- (2) whether a material change in the law relevant to the appeal occurred after the case was submitted and was not addressed in the Court's opinion or order;
 - (3) whether the court's opinion determined the outcome of the appeal on an issue not raised in the briefs or proceedings below;
 - (4) whether there is a significant consequence of the decision that was not addressed in the opinion;
 - (5) if the motion or response is filed in the Supreme Court, whether and how the Court's opinion or order is in material conflict with a decision of the Supreme Court of the United States or a decision of the Supreme Court; or
 - (6) if the motion or response is filed in the Appellate Court, whether and how the Court's opinion or order is in material conflict with a decision of the Supreme Court of the United States or the Supreme Court or a reported opinion of the Appellate Court.
- (c) Length.** — A motion or response filed pursuant to this Rule shall not exceed 3,900 words.
- (d) Filing.** — A motion for reconsideration and any response shall be filed with the Clerk of the appellate court.
- (e) Mandate to be delayed.** — A motion for reconsideration shall delay issuance of a mandate, unless otherwise ordered by the Court.
- (f) Disposition of motion.** — A motion for reconsideration shall be granted only with the consent of at least half the judges who concurred in the opinion. If a motion for reconsideration is granted, the Court may make a final disposition of the appeal without reargument, restore the appeal to the calendar for argument, or make other orders,

including modification or clarification of its opinion, as the Court finds appropriate.

**MARYLAND RULE 18-103.9 SERVICE AS
ARBITRATOR OR MEDIATOR (ABA RULE 3.9)**

(a) Unless expressly authorized by law, a judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the judge's official duties.

(b) A senior judge may conduct alternative dispute resolution (ADR) proceedings in a private capacity only if the judge:

(1) conducts no ADR proceedings in a private capacity relating to a case in which the judge currently is sitting;

(2) is not affiliated with a law firm, regardless of whether the law firm also offers ADR services;

(3) discloses to the parties in each judicial proceeding in which the judge sits:

(A) the judge's professional association with any entity that is engaged in offering ADR services;

(B) whether the judge is conducting, or has conducted within the previous 12 months, an ADR proceeding involving any party, attorney, or law firm involved in the judicial proceeding pending before the judge; and

(C) any negotiations or agreements for future ADR services involving the judge and any of the parties or attorneys to the case; and

(4) except when there is no disqualification by agreement as permitted by Rule 18-102.11 (c), does not sit in a judicial proceeding in which the judge's

impartiality might reasonably be questioned because of ADR services engaged in or offered by the judge.

(c) An Orphans' Court judge, other than a judge sitting as an Orphans' Court judge in Montgomery County, Howard County, or Harford County, may conduct alternative dispute resolution (ADR) proceedings only if the Orphans' Court judge:

(1) does not conduct ADR proceedings in matters within the jurisdiction of an Orphans' Court or that are related to the administration of an estate or guardianship;

(2) does not use the judge's judicial office to further the judge's success in the practice of ADR; and

(3) discloses to the parties in each ADR proceeding over which the judge presides, whether a party, attorney, or law firm involved in the ADR proceeding is or has been involved in an Orphans' Court proceeding before the judge within the past 12 months.

Commentary

Committee note. —

A senior judge may affiliate with an entity that is engaged exclusively in offering ADR services but may not affiliate with any entity that also is engaged in the practice of law.

COMMENT [1] Except as provided in section (b), this Rule does not prohibit a judge from participating in arbitration, mediation, or prehearing or settlement conferences performed as part of assigned judicial duties. Rendering dispute resolution services apart from those duties, whether or not for economic gain, is prohibited unless it is expressly authorized by law.

Md. Rule 18-103.9

MD. RULE 18-203.10

(a) In general. — Except as expressly allowed by this Rule, a judicial appointee shall not practice law.

(b) Exceptions. —

(1) A judicial appointee may act self-represented in a matter involving the judicial appointee or the judicial appointee's interest and, if without compensation, may give legal advice to and draft or review documents for a member of the judicial appointee's family.

(2) To the extent not expressly prohibited by law or by the appointing authority and subject to other applicable provisions of this Code, a part-time judicial appointee who is an attorney may practice law, provided that:

(A) the judicial appointee shall not use the judicial appointee's position to further the judicial appointee's success in the practice of law; and

(B) the judicial appointee shall not practice or appear in the appointing court, as an individual in a matter involving the judicial appointee or the judicial appointee's interest.

(c) Agreement relating to former law practice.

—

(1) Application. — Section (c) of this Rule applies to a newly appointed full-time judicial appointee, who **(A)** is leaving a law practice in order to accept the appointment and **(B)** is entitled by an agreement for the sale of the law practice or for the relinquishment of the judicial appointee's interest in the law practice to be compensated for the value of the ownership interest in the law practice or for fees for services rendered by the judicial appointee prior to the

judicial appointee's appointment but not yet collected.

(2) Required Agreement Regarding Deferred Payments. — If any compensation to which a judicial appointee may be entitled under subsection (c)(1) of this Rule is to be paid after the judicial appointee takes the oath of office or assumes official duties, the judicial appointee, before the earlier of taking the oath or assuming official duties, shall enter into an agreement with all prospective payors that (A) subject to subsection (c)(3) of this Rule, requires all deferred payments to be made in a reasonably prompt manner and within five years, and (B) sets a fixed schedule for such payments to be made.

(3) Alteration of Schedule. — The agreement shall acknowledge that, upon a finding that due to legitimate and extenuating circumstances full payment cannot be completed within a five-year period without significant and unavoidable harm to a party to the agreement, the parties, with the written approval of the Chief Justice of the Supreme Court, may extend the time for full payment beyond five years for a reasonable period.

(4) Filing Copy of Agreement. — The judicial appointee shall file a copy of the fully executed agreement and any amendment to it approved under subsection (c)(3) of this Rule with the State Court Administrator.

Md. Rule 18-203.10

STATEMENT OF THE CASE

Petitioner Joseph Basso, beginning in 2011 was happy to move into his own home as a first-time homeowner in Prince George's County, Maryland. It quickly became a nightmare, when he discovered during the first rainstorm, the basement leaked every time it rained about an inch, requiring personal attention to watch and try to clean up the escalating flooding for years, and expenses to ameliorate the flooding, and avoid mold from infesting the home as well.

Eventually, with the assistance of qualified counsel in a contingency fee agreement, despite being the victim of fraud by two real estate agents who also as sellers, sought to earn a profit on a "flipped" home that they knew was flooding regularly, though it took *five years* of litigation after a Retired Judge in 2016 improperly took the case from the jury, Petitioner Basso got a measure of justice, when the jury agreed with him and counsel on all arguments, including finding to a "clear and convincing" standard of review, that fraud occurred and awarding \$5,000 punitives on top of the \$135,000 in compensatory damages on June 12 and 13, 2019. The jury, hearing Respondents' pleas in not awarding too much punitive damages, knew the Defendants/Respondents would be held liable for "reasonable attorneys fees" in the jury instructions, for their gross violations of Maryland's Consumer Protection Act (MCPA). All in all, it took over \$25,000 expenses, and over \$400,000 in hourly Lodestar time, for qualified counsel to achieve a complete victory in the case.

Remarkably, no cognizable defenses were ever introduced by Respondents/Defendants, claiming initially that Maryland has a “buyer beware” for homes. This is not true, especially when affirmative representations in written disclosures are made there was “no flooding” at the house, and Maryland statutes, regulations, and cases do not protect residential sellers who *know or have reason to know* there are material latent defects in their residential homes.

The Respondents claim they “didn’t know,” despite being experienced real estate agents, who were also real estate sellers in this case. The case was complicated by the Respondent’s affirmative fraudulent actions and misrepresentations. They never cooperated with discovery, and the Court, despite motions for sanctions being sought, never actually sanctioned them in any way, pre-trial, despite only turning over a *single page* in discovery (The online advertisement). For example, when notified about possible suit, as testified to on cross-examination at the second trial, the Respondents destroyed all the (1) pictures, (2) contractor invoices, (3) home improvement receipts, and (4) related tax records. While this eventually resulted in a spoliation instruction, destroying all documents that went to their “knowledge” is hardly reflective of lack of guilt and liability.

But it wasn’t just the destruction of evidence. Multiple qualified experts confirmed there was “no way” that the Respondents didn’t know the home was flooding. Pictures and videos, were relied upon by these experts, and testified to by Petitioner Basso. NOAA Weather Records, provided a detailed timeline

of the weather systems that, corroborated the Respondents intimate knowledge and understanding the home they purchased from a bank after foreclosure, had a major material defect, with severe basement flooding. It should not have been sold to an unwary good faith buyer to be the “buyer beware” victim, *especially* when Respondents lied in the Disclosure forms, participated in short-term patch fixes through pouring a significant amount of concrete on the outside in attempting to delay the discovery of the flooding, destroying a front yard garden in the process. The “concrete” repair work, including filling up the under-porch lattice, with the residuals of the concrete work. Because homeowners should expect good faith dealing in getting a residential home, Maryland has *mandatory* Real Estate disclosure forms, which require this to be disclosed. Both Respondents, as found by the unanimous jury, perjured themselves when they falsely signed these under oath forms.

The existence of independent witness testimony from neighbor Danny Seger who witnessed the Respondents/Defendants concealment actions didn’t help Respondents either. Witnessing the major renovation work from across the street, the neighbor testified to the huge amount of concrete being taken out from the basement, by Respondents contractors (they failed to locate or identify a single worker for the months’ long project), which concrete was then shuffled either to large construction containers on the driveway, or when those were full, to under the porch lattice. All the walkways and surrounding areas, was now filled with concrete. The attractive garden, was wiped out, for no reason, other

than “more” concrete, as testified to by Respondent Szuchman in the first trial, would help push away the water heading to the basement, and hopefully temporarily mollifying the flooding.

Despite overwhelming evidence of fraud, the first trial before Retired Senior Judge Thomas Smith had a Rule 2-519 directed verdict granted, appeal noted April 26, 2016, which was reversed by the Appellate Court of Maryland in *Basso v. Campos*, 233 Md. App. 461 (2017). (Despite getting reversed as an “abuse of discretion” in excluding Petitioner’s qualified expert Mr. Hammond, the ACM didn’t disagree on the additional six legal errors argued on the Court’s grant of 2-519, at least two which are confirmed as simply wrong by the Appellate Court)

The second jury trial on June 10-13 2019, found unanimously against the Respondents on all counts, including violations of Maryland’s Consumer Protection Act (MCPA), awarding compensatory and punitive damages for “fraud” and “misrepresentations” in the amount of \$140,000.

After the fully prevailing jury verdicts in 2019, this should have resulted in measured and objective examination on the extant Attorneys Fees against Respondents. The two “attorney’s fees” appeals before the Maryland Appellate Courts, were for (1) the Statutory Attorney’s Fees under Md. Rule 2-703 for the jury’s additional finding of violation of MCPA with Statutory Attorneys’ Fees cost-shifted against the American Rule (a 45 Page Petition with Affidavits and over 100 pages of Billings) and (2) the Petitioner’s Motion for 1-341 Sanctions, filed in 2018, after Respondents maintained a without merit motion for Sanctions, originally filed two weeks after

the first appeal, pending about 3 years, and pending well over a year after the earlier appellate court loss, as later found by Judge Smith to have violated Md. Rule 1-341. *See* Docket Entry of 8-5-2019, denying Docket Entry 93 of 5-13-2016.

Ultimately, the trial court found Respondents Rodriguez and Szuchman violated Md. Rule 1-341 in keeping the without merit Motion pending for about two years after the appellate reversal in 2017. After ordering substantive responses, hearings, and affidavits on the amount of 1-341, Judge Smith found that no attorney fees sanctions was awarded on the sole basis “[a]ll of these fees arose [from] when Plaintiff and his counsel were under a contingen[cy] fee arraignment and are not recoverable under *Seney v. Seney*, 97 Md. App. 544 [1993].” After the denial of a timely Reconsideration on November 13, 2019, a timely appeal was noted to the Maryland Appellate Court on December 13, 2020. This Order was the “final judgment” on the 1-341 Attorneys Fees denied Petitioner due to the *Seney* decision, which occurred in the Circuit Court for Prince George’s, said judgment having adjudicated all of the rights and liabilities of the parties in the action on the Md. Rule 1-341 collateral litigation. This appeal is not being sought review in this Court, but is important to note the complicated circumstances of the Maryland Supreme Court’s later grant of Certiorari on Question Presented Four on November 24, 2025.

Also on November 13, 2020, Judge Smith decided on the Defendant/Respondent’s *second* post-trial motion. At the specific request of then Respondent’s Counsel Thomas McManus, after originally refusing to enter the jury’s verdicts from

June 12 and 13, 2019, Judge Smith ordered the court clerks to not enter the judgment in any manner, and then 44 days later on July 22, 2019, entered a denial on what he characterized as Defendants-Respondent's "*sub curia*" Rule 2-519 "Motion for Judgment."

Four written requests were made with the Court, by Petitioner, explaining the chaos created by the Court's actions at Respondents' request, how it is axiomatic no such "post-trial" 2-519 Motion exists (they instead, potentially are transmuted to JNOV after a jury verdict), Md. Rule 2-601 requires jury verdict judgments be done "promptly" and "forthwith" and Mandamus was appropriate to be considered and granted, for the trial courts and clerks' failures on ministerial actions.

After the July 22, 2019 denial of the "*sub curia*" 2-519 Motion for Judgment, and the first "entering" of the jury's verdict, the Respondents then filed about August 5, 2019, a "Defendants' Motion for JNOV (Md. Rule 2-532 and 2-533)". This wasn't adjudicated until a later hearing on October 18, 2019. *See also*, Docket Entries on 8-5-2019; 10-24-2019. On November 13, 2019, Judge Smith, for at least the 3rd time, denied Plaintiff's Request for a Rule 2-703 Conference on Statutory Attorneys Fees, which is mandatory and required to be held, similar to that in Federal Court Attorneys Fees litigation. Judge Smith also denied the second round of "post-trial" motions permitted of Respondents, which involved recycled arguments on the JNOV, the same as the first round of these motions denied in July 2019 on "*sub curia*" Judgments. On January 2, 2020, a "Line of Partial Satisfaction of Judgment" was filed, noting that the

“Plaintiff’s claim for statutory attorney’s fees remained open and pending.” *See* Doc. Entry—1-2-20.

It would then take the Prince George’s County Circuit Court *about 4 years* to adjudicate in any way, shape, or form, the 2-703 Statutory Attorneys’ Fees and Costs Petition, also filed January 2, 2020. At first it was delayed due to COVID Closures, before Retired Judge Smith, but then on July 30, 2020, the case was re-assigned by the Administrative Judge to Retired Judge Dwight Jackson. Specifically directed and consented to filings for Judge Jackson to adjudicate the Statutory Attorneys’ Fees Petition, were made on January 11, 2021 after the Courts reopened, and August 11, 2022, to no avail. The first indication of Judge Jackson’s active involvement in March 2023, 32 Months after being assigned the matter.

The hearing with Judge Jackson took place on July 21, 2023, and no decisions were issued, or discussed, with the Petition and attachments totaling over 130 pages admitted into evidence. Six weeks later, the Respondents through counsel, mailed or dropped off,⁷ a cover letter with a One-Page “Proposed Order” in the case.

⁷ Despite Prince George’s having electronic filing for a year at this time, the “Proposed Order” and cover letter to Retired Judge Jackson were not e-filed and *ex parte* filed. Since they were only mailed to Petitioner’s Counsel’s 3-year old prior address, this *ex parte* filing, later a one-page Summary Order issued by Judge Jackson, copying nearly *verbatim* Respondent’s filing, could have remained undiscovered.

On December 14, 2023, Judge Jackson, issued a one-page Order, nearly *verbatim* to the “Proposed Order” of Respondents, denying all attorneys’ fees and costs. (1a-2a) A timely Notice of Appeal was then e-filed with the Circuit Court on January 10, 2024, on the Statutory Attorney’s Fees determination by Judge Jackson, in the Circuit Court for Prince George’s, said judgment having adjudicated all of the rights and liabilities of the parties in the action on the Md. Rule 2-703 Statutory Fees litigation.

It was subsequently discovered, Retired Judge Dwight Jackson, recalled pursuant to Md. Const. Art. IV, § 3A, had begun practicing law as a County Attorney, the same month of December 2023, according to publicly stated Linked-In postings, entered his appearance in Federal court cases, which supported similar concerns in Maryland, recently publicized by a different Montgomery County judge who also began adjudicating cases as an attorney in the “practice of law.” This is prohibited for both active and but especially “Senior” “recalled” judges under Md. Dec. of R. art. 33 0and Rule 18-203.10.

This irregularity, was not only relevant for the “One-Page” Decision after 4 years being assigned the case, may make the decision itself “void.” Efforts to examine the matter through the Maryland Judiciary, with public documents considerable under Judicial Notice by this Court, have not reduced but exacerbated the Constitutional concerns, confirming that Retired Judge Jackson was *still listed* as available for Recall as a “Senior” Judge, through at least September 26, 2024, which is about *nine months* after Dwight Jackson, entered his appearance as a County Attorney in Federal Cases.

A copy of this document, with the emails that took months to obtain, were provided with the Maryland Supreme Court in the original Certiorari petition, on or about September 8, 2025.⁸

The Appellate Court of Maryland's Unreported decision was issued on July 25, 2025. (Judge Hotten (Ret.), C.J. Wells, J. Leahy)⁹ No Motions for Reconsideration were filed, and thus the Mandate issued on August 25, 2026 for both appeal cases. A timely Petition for Writ of Certiorari was

⁸ So at the very least, Retired Judge Jackson's one page Order, adopting nearly *verbatim* a "Proposed Order" *ex parte* filed by Respondents, after 4 years with the case file, was done a few days before Dwight Jackson began practicing law as a County Attorney—or the Order was issued after the already Retired Judge began practicing law, and completely void, under Maryland's Constitution and *State v. Dowdell*, 55 Md. App. 512 (1983)—and if contestable, requires additional due process for evidentiary examination and review.

⁹ The ACM's Opinion, makes various notes of facts, without citations, on time "unnecessarily" spent, such as Petitioner requesting Administrative Judge Green's recusal early in the case. These respectfully lack context and details, as well as sourcing, and none were provided by Retired Judge Jackson in writing, or verbally at the hearing. There is no question the amount of time spent on these matters, if the trial Court wished to discount, could have been discounted in the Lodestar attorneys' fees, and would have been no more than 2% of the time overall spent in the *Basso* case.

then sought under Md. Rule 8-302, within 15 days of the Mandate of the ACM.

As noted in the Statement of Jurisdiction *supra*, incorporated herein, the Maryland Supreme Court's granted Certiorari on one out of four Questions Presented, then a Majority of the Court found a procedural Dismissal on Question Presented Four was warranted under Maryland Rule 8-602. The Court then denied a timely Motion for Reconsideration on the outstanding motion on Question Presented Four, done at 27 days and immediately entering a Mandate before 30 days. This action, thus disallowed any Reconsideration motions to be filed (as permitted in all other cases), on Questions Presented One, Two and Three in that Court. The early mandate, unnecessarily complicated this Court's jurisdiction and does not appear to be an "adequate and independent state ground" in this matter, or if it was, it's insufficient as ambiguous, not based on any "firmly established and regularly followed" cases as no prior cases cited suggest that "Stipulations" especially when the Brief and Amicus Briefs are already filed, are precluded.

The entirety of the ACM's Decision on the topic of Retired Judge Jackson's practicing law, is as follows.

"As an alternative ground for reversing the circuit court's denial of statutory attorney's fees, Basso argues that the judge who decided his petition, Senior Judge Dwight Jackson, was practicing law at the

time that he rendered his decision. This, if true, would violate Article 33 of the Maryland Declaration of Rights and the Maryland Code of Judicial Conduct ("CJC"). *See* Md. Rule 18-100.2(c) (providing that the CJC applies to senior judges); Md. Rule 18-103.1(c) (prohibiting judges from participating in activities that would, among other things, "appear to a reasonable person to undermine the judge's independence, integrity, or impartiality"); Md. Rule 18-103.9(b) (providing an exception for senior judges who "conduct alternative dispute resolution (ADR) proceedings in a private capacity"). The appellees, however, contend that the evidence Basso offers to support his allegation is insufficient.

The only evidence Basso points to in support of his allegation is a LinkedIn update from December of 2023, purportedly showing that Judge Jackson began working as an associate county attorney for Prince George's County. However, the LinkedIn update does not specify the date when Judge Jackson started his new job, nor does it actually indicate that Judge Jackson started his new position that month, as opposed to some future time.

In *Newsom v. Brock & Scott, PLLC*, 253 Md. App. 181, 264 A.3d 283 (2021), the appellant raised an issue that came to counsel's attention after the trial in that case was over, namely, whether the judge had an undisclosed conflict of interest because of the relationship between the defense counsels' law firm and the Prince George's County Committee to Elect the Sitting Judges. *Id.* at 222. Although this Court held that the appellant's "failure to move for recusal in the circuit court d[id] not preclude us from exercising our discretion to review the issue on appeal[.]" this Court ultimately concluded that there was "too little documentation to make a determination on this issue." *Id.* The same is true in this case. Absent anything more than a LinkedIn post, there is simply no evidence to determine whether Judge Jackson was practicing law in violation of the CJC at the time he rendered the decision at issue in this case.

Basso v. Campos & Assocs. Realty, Nos. 2100, 2167, at *22-24 (App. July 23, 2025).

Notably, there are no findings by the Maryland appellate courts contradicting that former Judge Jackson was “practicing law” when he signed the 1-page December 14, 2023 Order that was a final judgment in this case. The ACM, without addressing the obvious due process concerns breached. The Court simply states it’s for Petitioner, to obtain “sufficient evidence” that there was a structural error with the trial judge assigned the case to handle the 2-703 Attorneys Fees motion for nearly four years, and then issued a Summary page Order, drafted by Respondents. That respectfully makes no sense. All parties and litigants should expect the judges to be Constitutionally qualified to mete justice. The type of “extreme facts” under *Caperton*, are in this circumstance, a different breed to that in *Caperton*.

Particularly after the six (6) pages of documents were received only beginning on October 10, 2025, (27a-33a) from Prince George’s County as part of months-long attempt to clarify the exact nature of Judge Jackson’s status, including how and when he was exactly “practicing law” in this and other cases. It appears at best for Retired Judge Jackson, he signed off on the one-page Order in Basso on Thursday, and clearly was involved in *full time* work as a County Attorney on Monday. The November 17, 2023 Employment agreement, (33a) which was before the Maryland Supreme Court, clearly conveyed there was sufficient information to already consider these judicial ethics issues, and at the very least, whether due process, allowed for Petitioner to seek appellate Court relief.

The lower Courts, should not have declined the important constitutional issues involved, and the matter is ripe for this Court's review.

REASONS FOR ALLOWANCE OF THE WRIT

Incorporating the points and authorities discussed *supra*, in the Statement of the Case and Statement of Jurisdiction, the above case is well preserved and ideal vehicle for this Court to grant Certiorari, confirming and clarifying, that "extreme facts" of judicial bias, deserve proper review by this Court.

- I. CERTIORARI IS DESIRABLE AND IN THE PUBLIC INTEREST TO CONFIRM "EXTREME FACTS" SUPPORTING JUDICIAL BIAS OR DEMANDING DISQUALIFICATION UNDER DUE PROCESS, AS DIRECTLY ADOPTED IN *CAPERTON V. A.T. MASSEY COAL CO.*, 556 U.S. 868 (2009), *WILLIAMS V. PENNSYLVANIA*, 579 U.S. 1 (2016) AND *AETNA LIFE INS. CO. V. LAVOIE*, 475 U.S. 813 (1986), ALSO APPLIES TO STATE COURT APPEALS WHEN DISCOVERED THERE, SUCH AS A REASONABLE MEMBER OF THE PUBLIC WOULD CONCLUDE THE TRIAL COURT WAS PRACTICING LAW AS AN ATTORNEY, THUS ANY DECISIONS REACHED ON THIS AND**

**OTHER CASES WERE POTENTIALLY
VOID AB INITIO OR VOIDABLE.**

The December 14, 2023 order at issue was entered in a Maryland court by an individual holding senior or retired judge status. Under Maryland law, a "senior judge" is a former judge who has retired voluntarily or by operation of law and who has been approved for recall to sit temporarily by the Supreme Court of Maryland pursuant to Md. Const. art. IV, § 3A.

Lawful authority to adjudicate depends on proper designation by the Chief Justice, with approval of a majority of the Supreme Court of Maryland, and the temporary assignment confers "all the power and authority" of the court to which the judge is assigned — but only for the period of designation and only if the statutory prerequisites are satisfied. Md. Const. Art. IV, § 18.

Evidence discovered for the first time on appeal indicates that the senior judge was, at the time of entering the order, engaged in the practice of law. CJP § 1-302 expressly bars the recall of a former judge who is engaged in the practice of law Md. Const. Art. IV, § 3A. If due process of law means anything, consistent with the *Caperton* framework, which is objectively geared, as a basic Constitutional protection against unfettered State judicial abuse, particularly when the high Court is involved on some level. This Court is a safety valve to ensure judicial respect is maintained, by weeding out abuses, such as *sitting* retired trial judges, giving at least the appearance to the public, that they are practicing law and violated the long time

national ABA prohibition against the “practice of law” by judges. Additionally, Maryland has a long history of not just ethical, but statutory and Constitutional prohibitions as well. The statutory, constitutional, and judicial ethics applicable shouldn’t be so casually tossed aside by the State appellate courts.

This statutory prohibition is not a matter of discretion; it is a categorical disqualifier that renders any purported recall or designation void of legal authority from its inception.

The litigants had no reasonable basis to discover the judge's concurrent law practice during the trial-level proceedings. Maryland appellate courts take judicial notice of designation orders when judicial authority is challenged, confirming that the existence and scope of a valid designation order is a factual predicate that the parties are entitled to assume is in order absent contrary information.

Certiorari is warranted on multiple and independent grounds. First, the case presents an important and unsettled federal constitutional question. *Caperton* established that the Due Process Clause requires judicial disqualification when the "probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, 877 (2009).

This Court applied this standard to extraordinary campaign contributions that created a risk of bias, but it expressly framed the principle in structural terms: "[a] fair trial in a fair tribunal is a basic requirement of due process," and

objective standards enforce this guarantee "whether or not actual bias exists or can be proved" *Caperton*, at 868. Whether this structural guarantee extends to a judge who lacked lawful authority to sit — an *a fortiori* more fundamental defect than the risk of bias at issue in *Caperton* — is an open constitutional question on which the Court has not spoken.

Second, there is no controlling Supreme Court precedent directly on point. The absence of a governing standard leaves state courts without clear guidance on whether such defects are structural errors requiring automatic reversal, void-order defects challengeable at any time, or merely voidable errors subject to forfeiture. This inconsistency warrants the Court's attention.

Third, the case raises issues of judicial integrity that transcend the particular dispute. As the Court recognized in *Caperton*, "[j]udicial integrity is, in consequence, a state interest of the highest order," and the "citizen's respect for judgments depends in turn upon the issuing court's absolute probity" *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, 889 (2009)(quoting *Republican Party of Minn. v. White*, 536 U.S. 765, 793 (2002) (Kennedy, J., concurring)).

Adjudication by a judge who was simultaneously practicing law — and therefore categorically ineligible to serve — strikes at the structural legitimacy of the judicial process that demands a nationally uniform constitutional standard.

Furthermore, the Maryland appellate courts, got wrong, who bears the ability or inability to

detect this serious conflict prior to appeal. Because the conflict was first discovered on appeal, the petitioner was deprived of the opportunity to make a timely motion for a new trial or seek recusal. See, Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847 (1989). The delay in discovery is entirely attributable to the judge's failure to disclose their practicing status, and denying relief would produce severe systemic injustice and destroy public confidence in the judicial process. See, *Liljeberg*; see also, *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 819-820 (1986))(discovery after 5-4 unsigned *Per Curiam* opinion on suit involving multi-million dollar verdict with punitive damages, with a Rehearing motion pending, that Alabama Chief Justice had pending personal lawsuits affected by the legal decision, and refused to recuse himself, and this Court confirming jurisdiction "[when] appellant raised this issue as soon as it was discovered the facts relating to Justice Embry's personal lawsuits [....o]n this record, we conclude jurisdiction is proper [...and] [w]e are satisfied as to the Court's jurisdiction")

Critically, *Caperton* emphasized that due process "may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties," quoting *In re Murchison*, 349 U.S. 133, 136 (1955). *Caperton*, at 886. The constitutional inquiry is objective: whether the circumstances present a "serious risk of actual bias — based on objective and reasonable perceptions." *Id.* at 884.

Under *Caperton's* objective standard, the question is not whether this particular judge was actually biased, but whether the dual role of judge and practicing attorney "would offer a possible temptation to the average judge" to fail to "hold the balance nice, clear and true" *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, 886 (2009), *quoting Lavoie*, at 825.. A judge who maintains an active law practice has financial stakes in the legal community, potential conflicts with parties or counsel, and professional interests that are fundamentally incompatible with judicial neutrality. The probability of bias is categorically too high to be constitutionally tolerable.¹⁰

**II. THIS COURT SHOULD GRANT
SUMMARY REVERSAL AND
REMAND BACK TO THE
MARYLAND SUPREME COURT.**

¹⁰ It should be remembered, the few limited materials received thus far through a Public Information Act request of six pages, are already incredibly concerning, including how former Judge Jackson signed this Order a month after signing an employment contract as an attorney on November 17, 2023 with Prince George's County, said Order of December 14, 2023 (a Thursday) *being at most* 1 and a half business days before he began the daily practice of law as a County Attorney. (27a-33a) A copy of this document on letterhead is provided via a "fold-in" page in the Certiorari Petition. (33a)

**BASED ON THAT COURT'S RECENT
DECISION IN *SUGARLOAF
ALLIANCE INC. V. FREDERICK
COUNTY, MARYLAND* NO. 32, SEPT.
TERM 2025 (DEC. JULY 14, 2026)**

This past week, the Maryland Supreme Court, adopted a legal argument Petitioner Basso contended justified reversal and remand, at the ACM (as Question Presented One), and at the Maryland Supreme Court, in *Sugarloaf All., Inc. v. Frederick Cty.*, No. 32, 2026 Md. LEXIS 325, at *39-41 (July 14, 2026). The Majority of the Supreme Court of Maryland noted, as an Excerpt is recounted in the Appendix at 86a-127a:

“In actions under fee-shifting statutes, courts generally employ the "lodestar method" in calculating what attorneys' fees and costs are to be awarded. [[Citations Omitted] ("[I]n actions under fee-shifting statutes, . . . the lodestar approach is ordinarily the appropriate one to use in determining a reasonable counsel fee."). "The lodestar approach has public policy goals and is designed to reward counsel for undertaking socially beneficial litigation in cases where the expected relief has a small enough monetary value that

other methods would provide inadequate compensation." *E. Shore Title Co. v. Ochse*, 453 Md. 303, 337, 160 A.3d 1238, 1258 (2017) (citation modified).

The starting point for determining a reasonable fee under the lodestar approach is to multiply "the number of hours reasonably expended on the litigation [] by a reasonable hourly rate." *Friolo*, 373 Md. at 523 [...] "This amount is then adjusted by the court, depending on the effect of numerous external factors bearing on the litigation as a whole." *E. Shore Title Co.*, 453 Md. at 337, [...] The factors the court must consider are set forth in Maryland Rule 2-703(f),¹⁸ which provides, in pertinent part:

(2) If Award Permitted or Required. . . . If the court determines that a permitted award should be made . . ., the court shall apply the standards set forth in subsection (f)(3) of this Rule and determine the amount of the award.

(3) Factors to Be Considered.

(A) the time and labor required;

- (B) the novelty and difficulty of the questions;
- (C) the skill required to perform the legal service properly;
- (D) whether acceptance of the case precluded other employment by the attorney;
- (E) the customary fee for similar legal services;
- (F) whether the fee is fixed or contingent;
- (G) any time limitations imposed by the client or the circumstances;
- (H) the amount involved and the results obtained;
- (I) the experience, reputation, and ability of the attorneys;
- (J) the undesirability of the case;
- (K) the nature and length of the professional relationship with the client; and
- (L) awards in similar cases.

Pursuant to Maryland Rule 2-703(g), the circuit court "shall state on the record or in a memorandum filed in the record the basis for its grant or denial of an award." We have explained that Maryland Rule 2-703(g) "is necessary because it is otherwise impossible for an appellate court to review the reasons for the

denial." [Emphasis Added]
Lockett v. Blue Ocean Bristol, LLC, 446 Md. 397, 426, 132 A.3d 257, 273 (2016) (citations omitted). In addition, we have held that "a trial court commits legal error if it considers the wrong factors when deciding whether to award attorneys' fees" and have stated that "there must be sufficient information in the record to enable a reviewing court to follow the reasoning of the trial court[.]" *Id.* at 426, 132 A.3d at 273 (citation modified). (105a-107a)

Sugarloaf All., Inc. v. Frederick Cty., No. 32, 2026 Md. LEXIS 325, at *39-41 (July 14, 2026).

Though the Majority Opinion adopts this position, the two Minority Opinions treat the matter as more clearly dispositive, as consistently argued by Petitioner that Retired Judge Jackson's 1-page double-spaced "Memorandum" falls well short of any calculus of finding Retired Judge Greenberg's *single spaced*, 6-paged Memorandum, found to be reversible error by the Maryland Supreme Court.

So long as there is a disagreement on the exact scope of the Maryland Rule 2-703(g), Petitioner contends that while Reversal should not be automatic, that a Remand to the Maryland Supreme Court should be done by this Court. The appeal is pending in this Court, and the fortuity or lack of

fortuity that a Reported opinion was issued in between the few months that the case was dismissed in that Court, and then the exact legal issue that formed the main thrust of legal error, should as a matter of due process as well, justify this Court's Reversal and Remand to the Maryland Supreme Court, on the preserved legal issue.

“Although the Majority acknowledges that a court "is not necessarily required to show its work[.]" it still faults the trial court for the award because, according to the Majority, it is "not possible" to tell whether the court applied the lodestar method and the factors set forth in Rule 2-703(f)(3) because the court did not explain how each consideration adjusted the award up or down. But neither the Rule nor our case law requires such an accounting. Rule 2-703(g) requires the court to "state on the record or in a memorandum filed in the record the basis for its grant or denial of an award." The trial court did so in a six-page, single-spaced opinion. The record need only contain "sufficient information" "to enable a reviewing court to follow the reasoning of the trial court[.]" *Lockett v. Blue Ocean Bristol, LLC*, 446 Md. 397, 426,

132 A.3d 257 (2016)[Citation
Omitted] (118a)

Sugarloaf All., Inc. v. Frederick Cty., No. 32, 2026 LX 388504, at *81-82 (July 14, 2026)(J. Gould, Dissenting)

This is confirmed by Justice Killough's Dissenting Opinion joined by Justice Eaves of the Maryland Supreme Court. They make it clear, the Majority's Opinion *relied upon* the same argument presented by Petitioner Basso at the lower appellate Courts.

"The Court concludes that the circuit court "forsook application of Maryland Rule 2-703(f)(3) and considered circumstances that were not appropriate for determination of an attorneys' fee award." Maj Op. at 7. I read the circuit court's opinion differently—and, more importantly, I believe that the Court's reading reflects a degree of scrutiny that is difficult to reconcile with deferential review.

Consider how the Court treats each of the four considerations identified in the circuit court's memorandum opinion. The first—that fourteen documents were justifiably withheld—the Court concedes is not "inherently unacceptable." Maj Op. at 32-33. The second—that many

produced documents were drafts, cover emails, and redundant—the Court acknowledges could be understood as relevant to "the results obtained" under Rule 2-703(f)(3)(H) but calls this interpretation "only a guess[.]" because the circuit court did not explain precisely how redundancies affected the award. Maj Op. at 34-35. The third—the circuit court's statement that it "ascribe[d] no evil motive to [C]ounty officials"—the Court concedes is "possibly susceptible to different interpretations" and that "[a]nything is possible." Maj Op. at 36. The fourth—the circuit court's reference to the burden on Frederick County taxpayers—the Court characterizes as "clearly an improper consideration[.]" rejecting the Appellate Court's view that it was merely a "passing reference." Maj. Op. at 40-41. Yet, where the Court itself concedes that the circuit court's reasoning can be read more than one way, it adopts a reading that condemns—rather than one that sustains—the circuit court's discretionary authority. *And where the Court finds no such ambiguity—the taxpayer reference, for example—it treats a single observation in a*

six-page memorandum opinion as sufficient grounds for reversal. [Emphasis Added] Maj Op. at 35-40. That is not extending deference to the circuit court's exercise of discretion. Rather, it is effectively deciding that the result is wrong.

The Court's word choices reinforce the point. In the Court's own words, the circuit court "purported to apply the lodestar approach[.]" Maj Op. at 31. With respect, those are not the words of a court extending deference. They are the words of a court that has already concluded that it disagrees with the result reached. But nothing in the record supports that characterization. *The circuit court presided over this case for two years, conducted a bench trial, reviewed documents in camera, heard testimony on the fee petition, and issued a six-page memorandum opinion explaining its reasoning.* Whatever else may be said of the circuit court's analysis, it was not unreasonable in light of "the amount involved and the results obtained." *See Maryland Rule 2-703(f)(3)(H).*" [Emphasis Added]

Sugarloaf All., Inc. v. Frederick Cty., No. 32, 2026 LX 388504, at *85-87 (July 14, 2026) (123a)

CONCLUSION

For the foregoing reasons, Petitioner Basso respectfully requests that the Supreme Court of the United States grant review of this matter on Question Presented One.

On Question Presented Two, based on the recent Maryland Supreme Court decision of *Sugarloaf All., Inc. v. Frederick Cty.*, No. 32, 2026 LX 388504, (July 14, 2026), it is requested that this Court issue a Summary Reversal and Remand to the Maryland Supreme Court on whether that Court's recent Reported Opinion, similarly justifies a Reversal and Remand back to the Circuit Court for Prince George's County. In the alternative, this Court should grant Certiorari on Question Presented Two as well.

Respectfully Submitted,

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