

RIVIERA COMMUNITY
IMPROVEMENT ASSOCIATION,
INC. ET AL.

Appellant

v.

RIVERBEA, CORPORATION, ET AL.

Appellee

* IN THE
* COURT OF SPECIAL APPEALS
*
* OF MARYLAND

* No. 1897, September Term, 2009

* (CC # C-09-146110)

* * * * *

ORDER

Appellants filed a Motion for Immediate Stay Pending Appeal on November 4, 2009 which is opposed by Appellees. This appeal lies from the denial of Temporary Restraining Order by the circuit court. The parties dispute the legality and rights associated with certain piers emanating from land owned by the individual appellants but crossing over land owned by Riverbea Corporation. Riverbea Corporation obtained demolition permits for the piers and was proceeding to execute on those permits when appellants filed the underlying action in the circuit court and requested the temporary restraining order. The circuit court denied the temporary restraining order on November 2, 2009 and November 3, 2009.

Appellants seek this injunction pending appeal in order to preserve the status quo during our consideration of the merits of the appeal. An appeal from the denial of a temporary restraining order is a proper interlocutory appeal. Courts and Judicial Proceedings Article, Maryland Code (1974, 2006 Repl. Vol.)12-303(3)(iii); *Schisler v. State*, 394 Md. 519, 535-36 (2006).

It appears in our limited review of the papers filed in support of the Motion for Immediate Stay Pending Appeal and the opposition that the appellant would suffer irreparable harm and that the balance of convenience favors maintaining the status quo until a more complete record can be developed in the circuit court during subsequent hearings on the injunction.

It is this 13th day of November, 2009, by the Court of Special Appeals,

ORDERED that pursuant to Maryland Rule 8-425 Riverbea Corporation and any of its agents are enjoined, during the pendency of this appeal or until further order of court, from taking any action to demolish any piers adjoining the properties known as 8428 Park Road, Pasadena, Maryland, 8430 Park Road, Pasadena, Maryland and 8436 Park Road, Pasadena, Maryland; and it is further

ORDERED that the parties may, by motion, request this Court to rescind this Order at any time after an order is entered by the Circuit Court for Anne Arundel County, Maryland on appellant's motion for preliminary injunction.

For a panel of the Court:

Judge 