

SUPREME COURT OF MARYLAND

Joseph Basso v. Jose Rodriguez, et al.

No. 45, September Term, 2025 · No. No. 45, September Term, 2025 · Decided January 23, 2026

SUMMARY

The Supreme Court of Maryland denied the petitioner’s request to extend the deadline for filing his opening brief, concluding that his failure to timely file or seek an extension did not constitute excusable neglect. The Court granted the respondents’ motion to dismiss the writ of certiorari and ordered that costs be paid by the petitioner.

CASE DETAILS

COURT	Supreme Court of Maryland
WRITING FOR THE COURT	Fader, C.J.; Watts; Booth; Biran; Gould; Eaves; Killough
JURISDICTION	Supreme Court of Maryland
DECIDED	January 23, 2026
DOCKET	No. 45, September Term, 2025
DISPOSITION	dismissed
PROCEDURAL POSTURE	After granting in part Basso's petition for a writ of certiorari, the Supreme Court of Maryland considered Basso's late-filed opening brief and his request for a retroactive extension of time. The court denied the extension motion, granted respondents' alternative motion to dismiss, and dismissed the writ of certiorari.
PRECEDENTIAL VALUE	published
PARTIES	Joseph Basso v. Jose Rodriguez, et al.

TOPICS

- appellate procedure
- writ of certiorari
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether Basso's untimely opening brief could be accepted through a retroactive extension of time under Maryland Rule 1-204.
2. Whether Basso's failure to timely file his brief constituted excusable neglect.
3. Whether the writ of certiorari should be dismissed under Maryland Rule 8-602(c)(5) for failure to file the brief within the time prescribed by Maryland Rule 8-502.

HOLDINGS

1. The parties' stipulation was ineffective because it did not comply with Maryland Rule 8-502(b), which required the petitioner's and respondent's briefs to be filed at least thirty days before the scheduled argument.
2. The court could not permit Basso's late filing because his failure to act was not the result of excusable neglect under Maryland Rule 1-204(a)(3).
3. The court granted respondents' motion to dismiss and dismissed the writ of certiorari because Basso failed to file his brief within the time prescribed by Maryland Rule 8-502.

KEY QUOTATIONS

“A court may also extend such a period “on motion filed after the expiration of the specified period,” but only “if the failure to act was the result of excusable neglect.”” (at 3)

“The Court does not find excusable neglect that would authorize the relief sought by Petitioner.” (at 4)

FACTUAL BACKGROUND

The Supreme Court had set January 5, 2026, as the deadline for Basso's opening brief in a certiorari proceeding scheduled for argument on March 6, 2026. The parties' attempted stipulation extending the deadline was ineffective because it did not comply with Maryland Rule 8-502(b)'s requirement that briefs be filed at least thirty days before argument. Basso filed his brief on January 12, after the original and purported extended deadlines, and later sought a retroactive extension, citing counsel's mistaken understanding of the deadline and workload.

PROCEDURAL HISTORY

The matter originated in the Circuit Court for Prince George's County in Case No. CAL14-30313 and proceeded through the appellate courts. The Supreme Court of Maryland granted in part Basso's petition for a writ of certiorari and scheduled oral argument. Basso failed to file his opening brief by the applicable deadline, filed the brief late without a motion for approval, and then sought a retroactive extension. The court denied relief for lack of excusable neglect and dismissed the writ.

DISPOSITION

dismissed

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