

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1293

WILLIAM C. BOND,

Plaintiff,

v.

MCDANIEL, BENNETT & GRIFFIN; ADELBERG, RUDOW, DORF & HENDLER,
LLC,

Defendants - Appellees,

and

KENNETH BLUM, SR.; DUDLEY F. B. HODGSON; WILLIAM SLAVIN;
CHRISTOPHER W. NICHOLSON; KENNETH BLUM, JR.,

Defendants,

MERRILL LYNCH & CO; MERCANTILE BANKSHARES CORPORATION; BANK
OF AMERICA; LAW OFFICES OF TIMOTHY M. GUNNING; HOWARD J.
SCHULMAN; SCHULMAN & KAUFMAN, LLC; THOMAS & LIBOWITZ, PA;
MICHAEL S. LIBOWITZ; THOMAS M. GUNNING; LAW OFFICES OF
RICHARD M. KARCESKI; RICHARD M. KARCESKI; MERCANTILE
BANKSHARES CORPORATION; BANK OF AMERICA CORPORATION,

Garnishees,

v.

ALYSON BOND,

Movant,

and

SCHULMAN & KAUFMAN, LLC; HOWARD J. SCHULMAN,

Movants - Appellants.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Marvin J. Garbis, Senior District Judge. (1:01-cv-02600-MJG)

Argued: March 21, 2008

Decided: April 30, 2008

Before NIEMEYER and MICHAEL, Circuit Judges, and C. Arlen BEAM, Senior Circuit Judge of the United States Court of Appeals for the Eighth Circuit, sitting by designation.

Affirmed by unpublished per curiam opinion.

ARGUED: Daniel Parmelee Doty, SCHULMAN & KAUFMAN, L.L.C., Baltimore, Maryland, for Appellants. Michael Richard Severino, ADELBERG, RUDOW, DORF & HENDLER, L.L.C., Baltimore, Maryland, for Appellees. **ON BRIEF:** William F. Ryan, Jr., Amy E. Askew, WHITEFORD, TAYLOR & PRESTON, L.L.P., Baltimore, Maryland, for Appellee McDaniel, Bennett & Griffin; Andrew Radding, ADELBERG, RUDOW, DORF & HENDLER, L.L.C., Baltimore, Maryland, for Appellee Adelberg, Rudow, Dorf & Hendler, L.L.C.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Bond commenced this action for copyright infringement against numerous individuals and their attorneys, including the law firms of McDaniel, Bennett & Griffin ("McDaniel Bennett") and Adelberg, Rudow, Dorf & Hendler, LLC ("Adelberg Rudow") for using, without authorization, Bond's copyrighted book manuscript in a state court custody proceeding. The district court granted the defendants' motion for summary judgment, and we affirmed. See Bond v. Blum, 317 F.3d 385 (4th Cir. 2003). Thereafter, the district court awarded expenses (including legal fees) in favor of McDaniel Bennett in the approximate amount of \$84,000 and in favor of Adelberg Rudow in the amount of approximately \$69,000.

McDaniel Bennett and Adelberg Rudow initiated garnishment proceedings to collect the judgment entered in their favor, and they served the garnishment on Bank of America, N.A., which is a judgment debtor of Bond on a judgment obtained by him in a tort action filed by Bond in the Circuit Court for Baltimore City. The judgment amount is \$31,249.26.

Howard Schulman, Bond's attorney in the state court proceeding against Bank of America, objected to the garnishment, contending that he, as the attorney for Bond in the state court proceeding, had an attorney's lien against the state court judgment that had precedence over the garnishment lien obtained by McDaniel Bennett and Adelberg Rudow. See Md. Code Ann. Bus. Occ.

& Prof. § 10-501(c). Schulman claimed an attorney's lien in the amount of \$15,898.26 for fees and costs incurred in obtaining the state court judgment on behalf of Bond against Bank of America, as well as \$14,966.24 in fees that Bond's attorney was owed from earlier related litigation and which Schulman and Bond orally agreed would be an additional fee in the suit against the bank.

By an order dated February 12, 2007, the district court recognized Schulman's attorney's lien to the extent of \$15,898.26, but not to include the \$14,966.24 sum, which the court concluded was a preexisting indebtedness that did not enjoy the precedence of a charging lien under the Maryland statute. Accordingly, the court entered an order dated March 2, 2007, directing Bank of America to pay, in respect of the \$31,249.26 judgment in favor of Bond, \$15,898.26 to Schulman in satisfaction of the attorney's lien and the remainder to McDaniel Bennett and Adelberg Rudow in satisfaction of their garnishment liens. Schulman filed this appeal from that order, claiming a right to the \$14,966.24 amount as well.

After carefully reviewing the record and considering the arguments of counsel, we affirm for the reasons given by the

district court in support of its order. See Bond v. Blum, No. 1:01-cv-02600-MJG (D. Md. Feb. 12, 2007).*

AFFIRMED

*We deny Schulman's motion to certify the issue in this case to the Maryland Court of Appeals.