

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

DEVEREUX FOUNDATION,

Plaintiff-Appellee.

v.

THE BALTIMORE BAIS DIN, a/k/a

Rabbi Mordecai Schuchatowitz,

Rabbinical Judge,

Party in Interest-Appellant.

BERTRAND G. FINK; LOUISE FINK;

No. 97-1992

DAVID A. GREENBERG; PATRICIA

GREENBERG; JONAH GREENFIELD;

CHERYL L. GREENFIELD; STANLEY

LABOVITZ; RANESSA LABOVITZ; JACK

ROSENBLOOM; PAUL WALTER;

MARILYN W. WALTER; RAY

WEINSTEIN; ADEAN ZAPINSKY;

JUDITH CJ ZAPINSKY,

Defendants.

Appeal from the United States District Court

for the District of Maryland, at Baltimore.

Benson E. Legg, District Judge.

(CA-95-2977-L)

Submitted: September 29, 1998

Decided: October 30, 1998

Before WILKINS and NIEMEYER, Circuit Judges, and

BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

COUNSEL

Baltimore Bais Din, Baltimore, Maryland, for Appellant. James F. Rosner, David Kevin Gildea, WHITEFORD, TAYLOR & PRESTON, Towson, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Irvin and Miriam Fischer leased a home in Baltimore to the Devereux Foundation (the Foundation) for use as a therapeutic group home for children with mental and emotional disabilities. A group of neighborhood homeowners, including Bertrand Fink, objected to the intended use of the property. They took their concerns to a rabbinical court, or Bais Din, which found for the Fischers, and then to the Circuit Court of the City of Baltimore, which determined that enforcement of restrictive covenants on the property would violate federal fair housing laws.

The Foundation then filed this action against Fink and other neighbors, claiming that their various actions violated the Fair Housing Act. As part of discovery, the Foundation sought the deposition of Rabbi Mordecai Schuchatowitz, one of three rabbis who presided at the Bais Din, as well as various documents pertaining to that proceeding. The district court granted the motion to compel the deposition of the rabbi and the production of all documents pertaining to the rabbinical court proceeding.

Rabbi Schuchatowitz, on behalf of the Baltimore Bais Din, seeks to appeal the district court's order. We dismiss the appeal for lack of jurisdiction. This court may exercise jurisdiction only over final orders, see 28 U.S.C. § 1291 (1994), and certain interlocutory and

collateral orders, see 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order at issue here does not fall within the narrow exception of Cohen. See MDK, Inc. v. Mike's Train House, Inc., 27 F.3d 116, 121-22 (4th Cir. 1994) (appellate courts lack jurisdiction to review orders compelling discovery of nonparties; to obtain review of discovery order, nonparty must refuse to comply with order, be held in contempt, and appeal the contempt order).

We therefore dismiss the appeal. We dispense with oral argument because the facts and legal contentions are fully presented in the materials before the court and argument would not aid the decisional process.

DISMISSED