

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1043

September Term, 2014

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ANTHONY QUINN WHEELER

v.

UNIVERSITY OF MARYLAND  
MEDICAL CENTER

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Wright,  
Reed,  
Alpert, Paul E.  
(Retired, Specially Assigned),

JJ.

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Opinion by Wright, J.

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Filed: June 17, 2015

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of *stare decisis* or as persuasive authority. Md. Rule 1-104.

This appeal arises from the Circuit Court for Baltimore City’s dismissal of a complaint filed by appellant, Anthony Quinn Wheeler (“Wheeler”), against appellee, University of Maryland Medical System Corporation (improperly named and sued as “University of Maryland Medical Center”) (“UMMS”). Wheeler filed his initial complaint on October 5, 2010, and amended it on October 14, 2010. We discern from Wheeler’s pleading that he was alleging a medical malpractice action arising from his medical treatment at UMMS.

On November 23, 2010, Wheeler requested that the circuit court enter an order of default against UMMS, which the court granted on December 28, 2010. On March 21, 2011, the court vacated, *sua sponte*, the order of default against UMMS. On April 20, 2011, UMMS filed a motion to dismiss pursuant to Md. Rule 2-303; Maryland Health Care Malpractice Claims Act (“MHCMCA”), Md. Code (1973, 2013 Repl. Vol.), Courts & Judicial Proceedings Article (“C&J”) § 3-2a-01, *et seq.*; and C&J § 5-101. Following a hearing on June 22, 2011, the court granted UMMS’s motion to dismiss on June 30, 2011. Between July 1, 2011, and November 13, 2012, Wheeler filed a barrage of various documents and letters which the court interpreted as a motion for reconsideration. Following a hearing on December 16, 2013 concerning Wheeler’s filings, the court denied Wheeler’s motion for reconsideration on July 21, 2014. The court also prohibited the clerk of the court from accepting any further filings in this case other than a Notice of Appeal. On July 25, 2014, Wheeler timely appealed.

## Questions Presented

We have combined and reworded Wheeler's questions for clarity, as follows:

- 1) Did the circuit court err in granting UMMS's motion to dismiss?
- 2) Did the circuit court abuse its discretion in denying Wheeler's post-dismissal filings, which were considered as a motion for reconsideration?

## Discussion

### I. Motion to Dismiss

Wheeler argues that the circuit court erred in granting UMMS's motion to dismiss. Specifically, Wheeler contends that this Court should reverse the circuit court's ruling(s) because "it will bring a justice to the case" and "it will be right." In response, UMMS argues that the court properly dismissed the case because Wheeler failed to establish any legal error, failed to comply with the pleading requirements of Md. Rule 2-303, failed to state a claim upon which relief could be granted, failed to comply with the statutory procedures under the MHCMCA, and Wheeler's cause(s) of action were barred by the applicable statutes of limitation. We agree with UMMS.

When a party pleads a cause of action, he must comply with the requirements of Md. Rule 2-303. In particular, Md. Rule 2-303(a) requires that "[a]ll averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. . . . Each cause of action shall be set forth in a separately numbered count." Further, Md. Rule 2-303(b) requires that a pleading "shall be simple, concise and direct. . . . A pleading shall contain

only such statements of fact as may be necessary to show the pleader's entitlement to relief or ground of defense.”

Although we will accept the facts as alleged in the complaint, the facts must be clearly alleged as required by Md. Rule 2-303. Our pleading requirements “serve[]four important purposes: (1) it provides notice to the parties as to the nature of the claim or defense; (2) it states the facts upon which the claim or defense allegedly exists; (3) it defines the boundaries of litigation; and (4) it provides for the speedy resolution of frivolous claims and defenses.” *Ledvinka v. Ledvinka*, 154 Md. App. 420, 429 (2003) (citations omitted). To this end, dismissal is proper where we are “unable to discern a cause of action alleged within . . . the complaint[.]” *Manikhi v. Mass Transit Admin.*, 360 Md. 333, 343 (2000).

In this case, Wheeler failed to state any legal claims against UMMS for which relief could be granted and did not specifically set forth each purported cause(s) of action. Wheeler's amended complaint was so vague, incomprehensible, and disorganized that it failed to comply with Md. Rule 2-303. Moreover, Wheeler failed to plead that his injuries were caused by any alleged wrongful conduct of UMMS. For those reasons alone, we agree with the circuit court's dismissal of this case.

In addition, even if Wheeler's amended complaint would have satisfied the requirements under Md. Rule 2-303, UMMS's motion to dismiss nonetheless should have been granted as the circuit court does not have initial jurisdiction over a medical malpractice claim, according to the MHCMCA. *See* C&J § 3-2A-02(a). A defendant may use Md. Rule 2-322(b)(2) to seek dismissal of a complaint if it “fail[s] to state a claim upon which relief can be granted.” When we review the grant of such a motion to dismiss, we

determine *de novo* “whether the complaint, on its face, discloses a legally sufficient cause of action.” *Andrulonis*, 193 Md. App. at 612 (internal citations omitted); *see also Clark v. Prince George’s Cnty.*, 211 Md. App. 548, 557, *cert. denied*, 434 Md. 312 (2013). “In conducting our analysis, we . . . accept all well-pled facts in the complaint, and reasonable inferences drawn from them, in a light most favorable to the non-moving party.” *Id.* at 612-13 (citation omitted). In sum, “dismissal is proper only if the alleged facts and permissible inferences, so viewed, would, if proven, nonetheless fail to afford relief to the plaintiff.” *Andrulonis*, 193 Md. App. 601, 613 (2010) (citation omitted).

Here, Wheeler did not submit any claims to the Health Care Alternative Dispute Resolution Office (formerly the Health Claims Arbitration Office) before commencing this lawsuit in the circuit court. MHCMCA requires, among other things, that litigants seeking redress for a “medical injury” against a “health care provider” and submit their claims to the Health Care Alternative Dispute Resolution Office before they bring a suit in Maryland. *See* C&J § 3-2A-02(a); *see also Oxtoby v. McGowan*, 294 Md. 83, 91 (1982) (clarifying that C&J § 3-2A-02(a) creates a condition precedent to the institution of a court action). Even if we were to draw all inferences in Wheeler’s favor, he cannot overcome the requirements of MHCMCA.

Further, C&J § 5-101<sup>1</sup> provides for a general three-year statute of limitations on civil actions. Wheeler’s action, if sounding in tort, occurred, as best as we can ascertain, in August 2005,<sup>2</sup> more than three years before his filing on October 5, 2010.

If alleging a medical malpractice action, as we suspect, the cause of action would likewise violate the applicable statute of limitations. *See* C&J § 5-109 (providing that medical malpractice claims must be filed within five years of the date of the injury or three years after the date on which the injury was discovered). Again, we note that the initial complaint was filed in October 2010.

## **II. Motion to Reconsider**

“[T]he ruling on a motion for reconsideration is ordinarily discretionary, and the standard of review in such a circumstance is whether the court abused its discretion in denying the motion.” *Wilson-X v. Dep’t of Human Res.*, 403 Md. 667, 674-75 (2008). An abuse of discretion occurs when no reasonable person would have behaved in the same fashion. This Court has noted:

The Court of Appeals has defined the abuse of discretion standard as a reasonable decision based on the weighing of various alternatives. There is an abuse of discretion where no reasonable person would take the view adopted by the [trial] court. Thus, where a trial court’s ruling is reasonable,

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<sup>1</sup> **§ 5-101. Three-year limitation in general.**

A civil action at law shall be filed within three years from the date it accrues unless another provision of the Code provides a different period of time within which an action shall be commenced.

<sup>2</sup> A recitation of the alleged facts, as outlined in the numerous submissions to the court, would be laborious and futile.

even if we believe it might have gone the other way, we will not disturb it on appeal.

*Fontaine v. State*, 134 Md. App. 275, 288 (2000) (internal citations and quotation marks omitted). The Court of Appeals has similarly defined the exercise of discretion as “a reasoned decision based on the weighing of various alternatives[;]” discretion is abused “where no reasonable person would take the view adopted by the trial court[.]” *Metheny v. State*, 359 Md. 576, 604 (2000) (emphasis, citation, and internal quotation marks omitted).

Because we cannot find legal error in the circuit court’s dismissal of Wheeler’s complaint, it follows that we cannot find an abuse of discretion.

In addition, Maryland Rule 2-311(a) requires that a motion “set forth the relief or order sought.” A motion must contain a statement of grounds and authorities, which “shall state with particularity the grounds and the authorities in support of each ground.” Md. Rule 2-311(c). Wheeler’s post-dismissal filings were devoid of citation to legal authorities and failed to state clearly the relief sought from the circuit court.

Thus, for the foregoing reasons, the circuit court did not abuse its discretion when it denied Wheeler’s post-dismissal filings, which were considered as a motion for reconsideration.

**JUDGMENT OF THE CIRCUIT  
COURT FOR BALTIMORE CITY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**