

Circuit Court for Anne Arundel County
Case No. C-02-CV-22-002307

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 881

September Term, 2023

SHEILA KNOX

v.

FORD MOTOR CREDIT

Graeff,
Arthur,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 13, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

In December 2022, Sheila Knox, appellant, filed a complaint for “wrongful wage garnishment” against Ford Motor Credit, appellee, in the Circuit Court for Anne Arundel County. Appellant listed appellee’s address as 8028 Ritchie Hwy, Ste. 300, Pasadena, Maryland 21122. On February 3, 2023, appellant filed an Affidavit of Service, which indicated that the writ of summons, but not the complaint, had been served on Amanda Anthony at the 8028 Ritchie Highway address.¹ However, the Affidavit of Service was also signed by Amanda Anthony.

On February 7, 2023, the court issued an order directing appellant to file an Amended Affidavit of Service “in compliance with Md. Rule 2-121(a) and Md. Rule 2-124(d).” The order further noted that the “deficient Affidavit of Service . . . was also incorrectly signed by Amanda Anthony, the individual whom service was effectuated upon.” The order directed the Amended Affidavit of Service to be filed within 15 days, and stated that “the failure to do so may result in a dismissal of the case.” Because appellant did not comply with that order, the court entered an order dismissing her complaint without prejudice on March 7, 2023.

On March 15, 2023, appellant filed a “motion to reopen,” claiming that her “family member put in her name in the field for the ‘opposing party’ instead of the defendant.” Along with the motion, she included an “Amended Affidavit of Service,” which indicated

¹ In their brief, appellee contends that service was ineffective because it was directed to the name and address of the attorneys who represented it in the underlying garnishment proceedings, rather than the name and address of its resident agent, president, secretary, or treasurer. Because we grant appellee’s motion to dismiss the appeal, we need not resolve this issue.

that the writ of summons and complaint had been served on Ford Motor Credit at the 8028 Ritchie Highway address. Twelve days later she also filed a “Certified Mail Receipt” postmarked March 16, 2023, which indicated that certified mail had been sent to the above address but that the “restricted delivery” option had not been paid for, as would be required under Rule 2-121(a). On April 11, 2023, the court denied appellant’s motion to reopen. Appellant then filed a motion to reconsider on April 28, 2023, wherein she acknowledged that the court had “denied my motion to reopen due to the fact that the Affidavit was incorrectly done, and I respect that.” She nevertheless asked the court to “help me and to reopen this case” because she was the victim of fraud and had two witnesses who would testify, but couldn’t “find a lawyer who wants to go up against Ford[.]” That motion was denied on May 24, 2023. Appellant filed the instant appeal on June 21, 2023.

On appeal, appellant contends that the March 7 dismissal of her complaint “without examination” of the materials “to determine the merits of the case” violated her “rights to be heard under the Fourteenth Amendment due process clause” and her “civil rights under the Fifth Amendment Procedural Due Process Clause and under the Ku Klux Klan Act 1871[.]” Appellee contends that the court did not err and has also filed a motion to dismiss the appeal. For the reasons that follow, we shall grant the motion to dismiss.

Maryland Rule 8-202 provides that a party must file his or her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” That 30-day deadline is tolled when a motion to alter or amend judgment under Md. Rule 2-534 is filed within ten days of the entry of judgment. *See* Md. Rule 8-202(c). Here, the court entered its final judgment dismissing the complaint without prejudice on March 7, 2023.

Appellant’s motion to reopen was filed within ten days of that order and, therefore, her time to file a notice of appeal was tolled until that motion was resolved. The motion to reopen was denied in an order docketed on April 11, 2023. Appellant therefore had 30 days from that date to file a notice of appeal from the final judgment and from the denial of her motion to reopen.

But appellant did not note an appeal to this Court before that time. Instead, she filed a second revisory motion on April 28, 2023, wherein she again requested the court to reopen the case. That motion, however, did not toll the time for appellant to file the notice of appeal from either the final judgment or the order denying her first revisory motion. *See Leese v. Dep’t of Lab., Licensing and Reg.*, 115 Md. App. 442, 445 (1997) (noting that a party cannot obtain additional extensions of the deadline to appeal by filing a series of successive motions to alter or amend the previous motion’s denial). Consequently, appellant’s June 21, 2023, notice of appeal was not timely as to those orders. And although the notice of appeal was timely as to the denial of her April 28 motion to reconsider, appellant does not raise any issues in her brief with respect to that order. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (quotation marks and citation omitted)). Because appellant’s appeal from the final judgment and order denying her first revisory

motion is untimely, and she does not raise any issues on appeal with respect to the denial of her second revisory motion, the appeal must be dismissed.²

**APPELLEE’S MOTION TO DISMISS
GRANTED. COSTS TO BE PAID BY
APPELLANT.**

² In any event, we review the denial of a motion to alter or amend the judgment for abuse of discretion, *see Bennett v. State Dep’t of Assessments & Tax’n*, 171 Md. App. 197, 203 (2006), and based on our review of the record we discern no abuse of discretion in the court’s denial of appellant’s second revisory motion. *See Pickett v. Noba, Inc.*, 114 Md. App. 552, 560 (1997) (noting that a “second motion to revise filed more than thirty days after the entry of judgment, even though within thirty days after the denial of the first motion, cannot be granted”).