

Circuit Court for Prince George's County  
Case No.: CAL 19-37865

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

No. 75

September Term, 2023

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PETER LAURENZANO

v.

FREEWAY AIRPORT INC., ET AL.

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Reed,  
Albright,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Albright, J.

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Filed: July 10, 2024

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Peter Laurenzano filed suit in the Circuit Court for Prince George’s County against Freeway Airport, Inc. (“Freeway Airport”), Stanley Rodenhauer, and the Estate of Stanley Rodenhauer for damage to and theft of parts from Mr. Laurenzano’s airplane while stored at the airport.<sup>1</sup> The court granted Freeway Airport’s motion for summary judgment. Mr. Laurenzano appeals, raising two questions, which we have slightly rephrased for clarity:<sup>2</sup>

- I. Did the circuit court err in granting Freeway Airport’s motion for summary judgment and motion in limine because the court did not consider Mr. Laurenzano’s opposition motions?
- II. Did the circuit court err in denying Mr. Laurenzano’s motion for a continuance?

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<sup>1</sup> At all relevant times, Mr. Laurenzano has proceeded *pro se*. The Maryland Supreme Court has stated that although we shall liberally construe the contents of pleadings filed by *pro se* litigants, unrepresented litigants are subject to the same rules regarding the law, particularly, reviewability and waiver, as those represented by counsel. *Simms v. State*, 409 Md. 722, 731-32 n.9 (2009) (citation omitted).

<sup>2</sup> Mr. Laurenzano’s questions as presented are:

1. Is the trial courts granting of the Appellees Motion(s) In Limine and Motion For Summary Judgement proper, without the incorporating and giving of consideration to the timely filed Opposition of the Appellant under the Maryland Rules[?]
2. Was the trial courts denial of the Appellant[’]s Motion For Continuance proper, in consideration of the facts specific to this case, including the numerous scheduling orders, four in total that were issued, some of which were incorrect and in conflict with dates and the time allotted, and the fact that the Appellant had never previously asked for a continuance, while all the scheduling orders received by the Appellant state that both parties are allowed at least one continuance[?]

For the following reasons, we shall affirm the circuit court’s ruling on Freeway Airport’s motion for summary judgment. Accordingly, we do not address Mr. Laurenzano’s remaining questions because they are moot.

### **FACTS AND LEGAL PROCEEDINGS**

Since the late 1980’s, Mr. Laurenzano has kept his 1979 Mooney M20J aircraft at the Freeway Airport located along Route 50 in Mitchellville, Maryland. At all relevant times, the airport was privately owned by Stanley Rodenhauser.

On November 26, 2019, Mr. Laurenzano filed a complaint for damages to and theft of parts from his airplane against: Freeway Airport; Mr. Rodenhauser; and the Estate of Stanley Rodenhauser.<sup>3</sup> In his complaint, Mr. Laurenzano alleged that his plane was damaged by the airport’s lawn mowing crew, that he immediately notified Mr. Rodenhauser of the damage, and that Mr. Rodenhauser agreed to have the damage repaired. Mr. Laurenzano further alleged that parts were removed from his airplane, and when contacted, Mr. Rodenhauser confirmed that parts were removed to repair another aircraft at the airport and promised to immediately replace the parts. Mr. Laurenzano did not provide any dates or a time frame for either incident.

After several attempts, Mr. Laurenzano properly completed service on Freeway Airport in March 2022.<sup>4</sup> Freeway Airport subsequently filed an answer and a

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<sup>3</sup> Mr. Rodenhauser died four months before Mr. Laurenzano filed his complaint.

<sup>4</sup> On January 5, 2019, the clerk issued a writ of summons, but the defendants were not served. About a year later, the circuit court clerk issued a notice contemplating dismissal for lack of service. Mr. Laurenzano asked the court not to dismiss his case and  
(continued...)

counterclaim for breach of contract and unjust enrichment, alleging that Mr. Laurenzano had failed since 2008 to pay “tie-down” fees for storing his aircraft at the airport. In May 2022, the circuit court sent a scheduling order to the parties, setting a bench trial for September 9. Mr. Laurenzano subsequently filed an answer to the counterclaim, and he prayed a jury trial.

After Mr. Laurenzano failed to comply with Freeway Airport’s discovery requests, Freeway Airport moved for sanctions. Mr. Laurenzano asked the court to deny the sanctions request, explaining he had since filed some responses to Freeway Airport’s discovery requests; there was a “miscommunication” regarding the date of his scheduled deposition that caused him not to appear; and he repeatedly advised the court that there was now ample time to proceed to trial as the parties had consented to a February trial date. In the meantime, Mr. Laurenzano requested documents from Freeway Airport.

On August 2, the parties signed and filed a joint consent request to change the trial date from September 9, 2022, to February 28, 2023. About a month later, the court granted Freeway Airport’s motion for sanctions and ordered Mr. Laurenzano to comply

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to re-issue a writ of summons, which it did. More than two months later, the court sent to Mr. Laurenzano a second notice contemplating dismissal. Mr. Laurenzano subsequently filed an affidavit by an individual who averred that she had served the complaint on an employee at Freeway Airport. Mr. Laurenzano then filed default motions, which the court denied, because he had failed to prove that he had complied with Maryland Rules 2-124 and 2-121 governing service of process. On January 21, 2022, Mr. Laurenzano again asked the court to re-issue a writ of summons, which it did.

Freeway Airport claims in its appellate brief that Mr. Laurenzano did not file a claim in the Estate of Stanley Rodenhauer and no service was ever made on Mr. Rodenhauer’s personal representative. Mr. Laurenzano does not dispute this.

with Freeway Airport's discovery requests within 15 days of the order. Mr. Laurenzano was subsequently deposed.

On December 27, 2022, a second scheduling order was sent to the parties, setting the case for a trial by jury on February 28 and March 1, 2023. Mr. Laurenzano subsequently filed an amended complaint, largely reflecting his original complaint but now alleging three additional causes of action, all of which concerned the taking of parts from his airplane: theft, unlawful seizure, and unjust enrichment.

On January 24, 2023, about a month after the second scheduling order was issued and a month before trial, Mr. Laurenzano requested a continuance, which Freeway Airport opposed. On January 30, 2023, Freeway filed a motion for summary judgment and a motion in limine, both of which Mr. Laurenzano opposed. The court denied the motion for a continuance and granted Freeway Airport's motion for summary judgment and motion in limine. By stipulation of the parties, Freeway Airport voluntarily dismissed its counterclaim without prejudice. We shall provide additional facts below where necessary to address the questions raised.

## **DISCUSSION**

### **I.**

Mr. Laurenzano argues that the circuit court erred in granting Freeway Airport's motion for summary judgment and motion in limine. He argues that because the court did not consider his motions in opposition before ruling on Freeway Airport's motions, he was denied his right to due process. Freeway Airport responds that it is "unclear" whether the circuit court considered Mr. Laurenzano's opposition motions before ruling on

Freeway Airport's motion for summary judgment and motion in limine, but any error was harmless. Freeway Airport argues that Mr. Laurenzano's opposition motion to its motion for summary judgment was "wholly insufficient and fails to establish a genuine dispute of material fact," and his opposition motion to its motion in limine presented no "good legal grounds" to deny the motion.

In both its orders granting Freeway Airport's motion for summary judgment and motion in limine, the circuit court began by stating that it had considered the motion filed by Freeway Airport and that there was "no opposition thereto[.]"<sup>5</sup> As Mr. Laurenzano correctly points out, this is not true. Four days prior to the court issuing its orders, Mr. Laurenzano had filed opposition motions to Freeway Airport's motion for summary judgment and motion in limine.

These facts standing alone would generally compel us to reverse and remand the case to the circuit court to reconsider its rulings in light of Mr. Laurenzano's opposition motions. However, in civil cases, "[i]t has long been the policy in this State that this Court will not reverse a lower court judgment if the error is harmless." *Flores v. Bell*, 398 Md. 27, 33 (2007) (citations omitted). "The burden is on the complaining party to show prejudice as well as error." *Id.* (citations and footnote omitted). "The focus of our inquiry is on the probability, not the possibility, of prejudice." *Id.* at 33-34 (citations omitted). No practical purpose would be served by remanding for reconsideration of the circuit

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<sup>5</sup> The court's orders mirrored the draft orders prepared and attached by Freeway Airport to its motions. The court had placed "x"s across the word "any" and had inserted the typed word "no" above the crossed "x"s.

court's rulings because this appeal involves only issues of law. Accordingly, we shall address the merits of this appeal.

### 1. Summary Judgment

Md. Rule 2-501(b), which governs responses to motions for summary judgment, provides:

**(b) Response.** A response to a motion for summary judgment shall be in writing and shall (1) identify with particularity each material fact as to which it is contended that there is a genuine dispute and (2) as to each such fact, identify and attach the relevant portion of the specific document, discovery response, transcript of testimony (by page and line), or other statement under oath that demonstrates the dispute. A response asserting the existence of a material fact or controverting any fact contained in the record shall be supported by an affidavit or *other written statement under oath*.

(Emphasis added). *See Educ. Testing Serv. v. Hildebrant*, 399 Md. 128, 144 (2007)

(deposition testimony or answers to interrogatories may constitute “other statement[s] under oath”); *Imbraguglio v. Great Atl. & Pac. Tea Co., Inc.*, 358 Md. 194, 207 (2000)

(“A transcript of former testimony possesses the same indicia of reliability as an affidavit in the summary judgment context.”).

“Whether summary judgment was granted properly is a question of law.”

*Lightolier, A Div. of Genlyte Thomas Grp., LLC v. Hoon*, 387 Md. 539, 551 (2005). “The standard of review is *de novo* and we are concerned with whether the trial court was legally correct.” *Id.* (quotation marks and citations omitted). “We review the record in the light most favorable to the nonmoving party and construe any reasonable inferences that may be drawn from the facts against the moving party.” *Haas v. Lockheed Martin Corp.*, 396 Md. 469, 479 (2007) (quotation marks and citations omitted).

“[A]n appellate court’s review of the grant of summary judgment involves the determination whether a dispute of material fact exists[.]” *Frederick Rd. Ltd. P’ship v. Brown & Sturm*, 360 Md. 76, 93 (2000) (citations omitted). A responding party must demonstrate that there is indeed a genuine dispute as to a material fact, and he does this “by producing factual assertions, under oath, based on the personal knowledge of the one swearing out an affidavit, giving a deposition, or answering interrogatories. Bald, unsupported statements or conclusions of law are insufficient.” *Bradley v. Fisher*, 113 Md. App. 603, 610 (1997) (cleaned up). *See also Coll. of Notre Dame of Md., Inc. v. Morabito Consultants, Inc.*, 132 Md. App. 158, 167 (2000) (“[T]o demonstrate an adequate factual dispute, the non-moving party must present more than mere general allegations which do not show facts in detail and with precision.”) (quotation marks and citation omitted) and *Beatty v. Trailmaster Prod., Inc.*, 330 Md. 726, 738 (1993) (“[A] person opposing summary judgment cannot merely allude to the existence of a document and thereby hope to raise the specter of dispute over a material fact which would defeat a motion for summary judgment.”). This is because statements under oath demonstrate the “authenticity and relevancy” of the statements, but, as our Supreme Court held, “[a]ttaching documents to a motion for summary judgment without the necessary affidavit is no more acceptable than standing up in open court and attempting to offer the same documents into evidence without a witness or a stipulation” *Imbraguglio*, 358 Md. at 204 (quotation marks and citations omitted).

Freeway Airport argued in its motion for summary judgment, among other things, that there are no issues of material fact because Mr. Laurenzano had no evidence that



Freeway Airport damaged or took parts from his airplane other than alleged statements made by Mr. Rodenhauser to Mr. Laurenzano. They argued that these statements are barred by the hearsay rule because Mr. Rodenhauser is unavailable (deceased) and the statements are offered for the truth of the matter asserted. Freeway Airport attached to its motion for summary judgment an affidavit by Thomas Williams, the full-time mechanic overseeing the aircraft repair and maintenance shop of Freeway Airport since 1977, stating that Freeway Airport did not remove any parts from Mr. Laurenzano's airplane.

Mr. Laurenzano asserted in his opposition motion, "I do have evidence, including witness testimony, and circumstantial evidence, which may not be as good as audio video, but cumulative enough for a jury to find in my favor." As to Mr. William's affidavit, Mr. Laurenzano responded that the affidavit "is improper because [Mr. Williams] has not been questioned on the content of his statements and I find some assertions vague[.]" Mr. Laurenzano's opposition motion was not verified or accompanied by affidavits.<sup>6</sup>

Mr. Laurenzano's bald assertion about "witness testimony" and "circumstantial evidence" is insufficient to create a genuine dispute of material fact. He does not make his assertions of facts as an affiant or submit any other "written statement under oath." *Cf. Imbraguglio, supra*, ("the unsworn statement of a witness is not . . . [an] appropriate[] form of placing evidence before the court" in responding to a motion for summary judgment). Accordingly, we shall affirm the circuit court's grant of Freeway Airport's

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<sup>6</sup> Mr. Laurenzano signed his opposition motion and the accompanying certificate of service, but neither signature verified the facts purportedly contained in his opposition.

motion for summary judgment. Because affirming the grant of summary judgment “obviate[s] the need for a trial,” any arguments as to the rulings on the motion in limine and motion for continuance are moot. *Mathis v. Hargrove*, 166 Md. App. 286, 308 (2005). *See also Richardson v. Nwadiuko*, 184 Md. App. 481, 484, 498 (2009) (declining to address a motion in limine on appeal after affirming the circuit court’s grant of summary judgment); *Salamon v. Progressive Classic Ins. Co.*, 379 Md. 301, 306 n.5 (2004) (noting that the grant of summary judgment rendered all pending motions moot).

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE’S COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**