

Circuit Court for Anne Arundel County
Case No. C-02-FM-22-000806

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 214

September Term, 2024

WILLIAM ATKINS

v.

NANCY WHEELER

Zic,
Kehoe, S.,
McDonald, Robert N.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: January 31, 2025

* 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 Maryland Rule 1-104(a)(2)(B).

This case arises from protracted divorce proceedings between William Atkins, appellant, and Nancy Wheeler, appellee. After an eight-day trial on the merits in August 2023, the Circuit Court for Anne Arundel County issued an oral opinion and Judgment of Absolute Divorce (“Judgment”) in December 2023. The circuit court later issued an Amended Judgment of Absolute Divorce (“Amended Judgment”) in February 2024. On appeal, Mr. Atkins challenges the court’s denial of Mr. Atkins’ request to disqualify Ms. Wheeler’s trial counsel, as well as several of Mr. Atkins’ post-trial motions, and the court’s alleged reliance on the Best Interest Attorney’s (“BIA”) supplemental filing. We affirm on all issues before us.

QUESTIONS PRESENTED

Mr. Atkins presents five questions for our review, which we have recast and rephrased into three:¹

¹ Mr. Atkins phrased the issues as follows:

1. Did the Trial Court err when, over Appellant’s Objection, it Ruled that Appellee’s Trial Attorney and his Law Firm did not have a Disqualifying Conflict of Interest?
2. Did the Trial Court err when, without Comment, it denied Appellant’s Motion for a New Trial and/or for Alteration and Amendment of the Trial Court’s Judgment and/or for Revision of the Trial Court’s Judgment, by which motion Appellant established that Appellant had been defrauded by Appellant’s Attorneys?
3. Did the Trial Court err when, without Comment, it failed to do anything about Fraud Committed on the Trial Court by both Appellee and Appellee’s Trial Attorney?
4. Did the Trial Court err when, without Comment, it failed to do Anything About Perjured Testimony provided to the

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1. Did the trial court err in denying Mr. Atkins’ request to disqualify Ms. Wheeler’s trial counsel?
2. Did the circuit court abuse its discretion in denying Mr. Atkins’ request for a new trial or reconsideration, or in declining to reconsider its order partially granting Ms. Wheeler’s motion to alter the record?
3. Did the circuit court erroneously take the BIA’s recommendations into consideration in the Amended Judgment’s custody order?

For the following reasons, we affirm.

BACKGROUND²

Mr. Atkins’ Motion To Remove (Disqualify) Ms. Wheeler’s Trial Counsel

Mr. Atkins and Ms. Wheeler were married on July 14, 2006, and share three minor children. Ms. Wheeler filed for divorce on March 8, 2022. On May 26, 2022, Mr. Atkins filed a motion to remove Ms. Wheeler’s trial counsel, stating that an attorney formerly with the same law firm as Ms. Wheeler’s trial counsel previously represented him and Ms. Wheeler in a private nuisance matter (“Drainage Issue”) in 2018 and 2019. Mr. Atkins contended that, given this prior representation, allowing Ms. Wheeler’s trial

Trial Court by Appellee and the Subordination [sic] of Appellee’s Perjured Testimony by Appellee’s Trial Attorney?

5. Did the Trial Court Err when it incorporated a Custody Recommendation Made by the Best Interest Attorney/Child Advocate for Appellant’s children into its Judgement [sic] of Absolute Divorce[?]

² We present only the facts necessary to provide context to the issues before us on appeal. This said, we assure the parties that we have carefully reviewed the record, including the documents cited to by Mr. Atkins in his informal brief and those included in Ms. Wheeler’s appendix.

counsel to represent her in the divorce proceedings would violate Maryland Rule of Professional Conduct (“MRPC” or “Rule”) 19-301.9 (“1.9”), specifically, Rule 1.9(a).³ Ms. Wheeler opposed the motion to remove, and the circuit court set a hearing on the matter.

At the July 11, 2022 hearing, Mr. Atkins, *pro se*, testified and admitted three documents into evidence: a self-authored email copying Ms. Wheeler; prior counsel’s affidavit stating he was representing Mr. Atkins and Ms. Wheeler for matters related to the Drainage Issue; and a March 2019 letter written by prior counsel about the Drainage Issue, addressed to both Mr. Atkins and Ms. Wheeler. The court determined that these documents were neither proprietary nor showed how the Drainage Issue was related to the parties’ divorce proceedings.

Throughout the hearing, the court repeatedly asked Mr. Atkins to provide evidence containing proprietary, relevant information. Despite these requests—and after more than two hours—the court found that Mr. Atkins failed to present evidence of information gathered during the course of the parties’ Drainage Issue representation, which either was

³ The motion to remove also claimed that Mr. Atkins had consulted with Ms. Wheeler’s trial counsel in 2018 and, as a result, gave counsel information about his “financial and business interests . . . specifically focused on tuition costs[.]” MRPC 1.7(a)(2) prohibits an attorney from representing a client if there is a “significant risk that the representation [] will be materially limited by the attorney’s responsibilities to another client, a former client or a third person or by a personal interest of the attorney.” Because Mr. Atkins does not challenge the circuit court’s finding that Ms. Wheeler’s trial counsel did not represent him in a matter related to the parties’ divorce proceeding, we analyze only MRPC 1.9(a).

being used to attack or prejudice Mr. Atkins in the divorce proceedings, or was confidential and related to the divorce proceedings. Relevant for our purposes, the court found that:

[T]he representation in the divorce case is not substantially related or similar to that of the [Drainage Issue]. It doesn't involve the same operation of facts. There is not sufficient similarity. And that's *Buckley v. Airshield Corp.*, [908 F. Supp. 299 (D. Md. 1995)].

The [c]ourt [also] finds there was no attorney[-]client relationship between [Ms. Wheeler's trial counsel] and Mr. Atkins such that that representation excluded Ms. Wheeler.

* * *

There is no evidence that supports that [Drainage Issue counsel] or his firm obtained unique, financial information regarding matters that would be the subject of the divorce proceedings.

Accordingly, the court denied Mr. Atkins' request to disqualify Ms. Wheeler's trial counsel.

Post-Judgment Motions

The parties proceeded to trial in August 2023. During the eight-day trial, the circuit court heard testimony from Mr. Atkins, Ms. Wheeler, their children, and expert witnesses. The court also received into evidence various financial statements and bills, medical records, written correspondence, and photographs. The circuit court issued an 83-page oral opinion on December 5, 2023, and a corresponding Judgment of Absolute Divorce (previously, "Judgment") on December 7, 2023. Relevant to this appeal, the

Judgment granted Ms. Wheeler sole legal and primary residential custody of the parties' three minor children.

Mr. Atkins filed a series of motions following the court's Judgment, two of which he now challenges before this Court: the December 19, 2023 "Motion for New Trial and/or for Alteration and Amendment of the Trial Court's Judgment and/or for Revision of the Trial Court's Judgment" ("Motion for New Trial"), and the March 5, 2024 "Motion to Reconsider the Court's Order Granting in Part and denying in Part [Ms. Wheeler's] Motion to Alter and Amend the Record" ("Motion to Reconsider") (collectively, "Motions").⁴ In the Motion for New Trial, Mr. Atkins argued that he was "defrauded" by his own trial counsel. In the Motion to Reconsider, Mr. Atkins asserted that Ms. Wheeler and her trial counsel "defrauded" the court and committed perjury and subornation of perjury. The circuit court denied the Motions on February 20, 2024, and March 13, 2024, respectively, intermittently issuing the Amended Judgment of Absolute Divorce (previously, "Amended Judgment") on February 21, 2024. The Amended Judgment did not alter the child custody order.

Mr. Atkins noted a timely appeal. We include additional facts as appropriate below.

⁴ The Motion for New Trial was deficient pursuant to Maryland Rule 20-203(d) for failure to include a Certificate of Service. As best we can tell, this error was corrected by January 2, 2024.

DISCUSSION

I. THE CIRCUIT COURT DID NOT ERR IN DENYING MR. ATKINS' MOTION TO DISQUALIFY MS. WHEELER'S TRIAL COUNSEL.

Mr. Atkins first contends that the circuit court “erred when, without comment, it denied [Mr. Atkins’] disqualification motion.” To support this argument, Mr. Atkins reproduces a motion filed with the circuit court on September 29, 2024, in which he describes the Drainage Issue in detail. Mr. Atkins appears to argue that a “good settlement” in the Drainage Issue would mitigate the alleged fraud by Ms. Wheeler’s trial counsel’s firm, thereby eliminating the rationale for Mr. Atkins’ request to disqualify Ms. Wheeler’s trial counsel in the divorce proceedings. Ms. Wheeler, through counsel, argues that the circuit court “made its decision [not to disqualify Ms. Wheeler’s trial counsel] based upon its assessment of the witnesses and evidence and that decision should, therefore, not be disturbed by this [C]ourt.”

For the reasons explained below, we do not follow Mr. Atkins’ logic and agree with Ms. Wheeler. Therefore, we hold that the circuit court did not err in denying Mr. Atkins’ motion to disqualify Ms. Wheeler’s trial counsel.

A. Standard Of Review

Review of a trial court’s denial of a motion for disqualification necessitates a multi-step inquiry.⁵ *Klupt v. Krongard*, 126 Md. App. 179, 204 (1999). We review

⁵ Mr. Atkins cites to *Gatewood v. State*, 158 Md. App. 458 (2004), which was affirmed by the Supreme Court of Maryland, 388 Md. 526, 536 (2005). In *Gatewood*, the Supreme Court of Maryland held that a trial court’s denial of a criminal defendant’s motion to disqualify a prosecutor, who previously represented the defendant in an

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factual findings under the clearly erroneous standard. *Id.* The trial court’s conclusion that an ethical violation may occur, however, is a “legal conclusion subject to full appellate review.” *Id.* (internal marks and citations omitted). “Finally, the court’s discretionary choice [to disqualify] is reviewed only for an abuse of that discretion.” *Id.*

B. Discussion

At the outset, we briefly note that a motion to disqualify counsel requires a court to “balance between [a] client’s free choice of counsel and the maintenance of the highest ethical and professional standards in the legal community.” *Buckley*, 908 F. Supp. at 304 (citations omitted).⁶ Because “disqualification is a drastic measure,” the moving party “bears a high standard of proof to show that disqualification is warranted.” *Id.* (citation omitted); *see also Lloyd v. Baltimore Police Dep’t*, 729 F. Supp. 3d 494, 502 (D. Md. 2024). With these points in mind, we begin our analysis.

1. Factual Findings

At the conclusion of the July 11, 2022 hearing, the circuit court found that Mr. Atkins had an attorney-client relationship with prior counsel in the Drainage Issue, but

unrelated case as a public defender, was properly reviewed for abuse of discretion. 388 Md. at 536. We distinguish *Gatewood* and other cases applying the MRPC to prosecutors from the present case, which concerns two civil matters and privately retained counsel, and instead use the standard of review as articulated by this Court in *Klupt v. Krongard*, 126 Md. App. 129, 204 (1999).

⁶ “Interpretation of [MRPC] 1.9 in Maryland case law is limited[]. . . but this is a point of law that crosses jurisdictional lines, and rulings from courts that have addressed similarly worded professional conduct rules are relevant.” *Baltimore Cnty. v. Barnhart*, 201 Md. App. 682, 698 (2001) (internal citation and marks omitted). Accordingly, where there are gaps in Maryland case law, we cite to related federal case law to guide our analysis.

did not have a former attorney-client relationship with Ms. Wheeler’s trial counsel in the present matter. The court also found that prior counsel jointly represented Mr. Atkins and Ms. Wheeler in the Drainage Issue. On appeal, neither party disputes these findings.

Mr. Atkins does not point to any factual findings he believes were unsupported by substantial evidence in the record; rather, as previously noted, he reproduces a motion filed in September 2024 describing the Drainage Issue in detail. Mr. Atkins does not explain how—or indeed, appear to argue that—the circuit court’s factual findings were clearly erroneous. Moreover, our review of the record did not unearth any factual findings not supported by substantial evidence. We, therefore, accept the facts as found by the circuit court and turn to our *de novo* review.

2. *The Drainage Issue And The Parties’ Divorce Proceedings Are Not “Substantially Related” For Purposes Of MRPC 1.9.*

MRPC 1.9(a) provides:

An attorney who has formerly represented a client in a matter shall not thereafter represent another person in the same or a *substantially related* matter in which that person’s interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(Emphasis added.)

To determine whether disqualification is proper under MRPC 1.9(a), a court undertakes a two-part inquiry for which the movant must demonstrate: *first*, that an attorney-client relationship existed, and *second*, that the matter at hand and the matter at issue in the prior representation are the same or substantially related. *Lloyd*, 729 F. Supp.

3d at 500. Again, as neither party contests that an attorney-client relationship existed between the parties and prior counsel, we concentrate on the second step, namely, whether the Drainage Issue and the parties’ divorce proceedings were substantially related.

Two matters are “substantially related” when “they involve the same transaction or legal dispute *or* if there otherwise is a substantial risk that confidential factual information as would normally have been obtained in the prior representation would materially advance the client’s position in the subsequent matter.” MRPC 1.9 cmt. 3 (emphasis added). “‘Substantially related’ has been interpreted to mean ‘identical’ or ‘essentially the same,’ or ‘factually related[.]’” *Nichols Agency, Inc. v. Enchanted Child Care, Inc.*, 537 F. Supp. 2d 774, 779 (D. Md. 2008) (internal citations omitted). To show that representation in the present matter would violate Rule 1.9(a), the party seeking disqualification of opposing counsel must show that confidential information material to the present case “*might*” have been disclosed during the prior representation. *Lloyd*, 729 F. Supp. 3d at 503.

Here, the Drainage Issue and the parties’ divorce case are not part of the “same transaction or legal dispute.” MRPC 1.9 cmt. 3. To begin with, the cases were commenced years apart (2019 and 2022, respectively). Additionally, at the July 11, 2022 hearing on his motion to remove Ms. Wheeler’s trial counsel, Mr. Atkins did not offer evidence supporting that the Drainage Issue, which concerned a private nuisance action against a neighbor, overlapped with “transactions or legal dispute[s]” involved in the parties’ present divorce case. MRPC 1.9 cmt. 3. And significantly, the Drainage Issue

was inactive at the time of the hearing on Mr. Atkins’ motion to remove. We hold, therefore, that the Drainage Issue and the parties’ divorce case were not the same for purposes of disqualification under MRPC 1.9(a).

Likewise, the Drainage Issue and divorce action are not substantially similar. Mr. Atkins did not proffer evidence at the disqualification hearing demonstrating that the Drainage Issue “was essentially the same” as the then-present divorce proceedings. *Nichols Agency, Inc.*, 537 F. Supp. 2d at 779. As Mr. Atkins described at the hearing:

I retained [prior counsel] on July 12, 2018[]. . . . [H]e was given written instructions to file a lis pendens [that] would have prevented a sale of the adjacent property [to the parties’ marital home,] which was ultimately acquired by [a third-party] So what happened there was that the property had been for sale for a period of time. [The original property owner] was financially distressed. And I was quite well aware that they were going to sell that property and would have done so secretly, which is what they did.

Opposing counsel then objected, arguing that Mr. Atkins’ testimony was “litigating an unrelated real estate case.” While it sustained the objection, the circuit court reminded Mr. Atkins that Ms. Wheeler’s trial counsel’s firm needed to have obtained information as part of representation in the Drainage Issue that was both undiscoverable and could be used against him in the divorce action. Mr. Atkins later stated that the Drainage Issue also “extended to a libel action[,]” but did not further explain this claim, and did not otherwise present evidence during the hearing to support his claim that the Drainage Issue and the divorce action were related.

On appeal, Mr. Atkins does not point to any evidence presented at the hearing on his motion to remove that demonstrates the Drainage Issue and divorce action are

“factually related[.]” *Nichols Agency, Inc.*, 537 F. Supp. 2d at 779. Instead, as mentioned above, Mr. Atkins reproduces a motion filed *more than two years after* the hearing to support his claim that a “good settlement” in the Drainage Issue would mitigate alleged fraud committed by Ms. Wheeler’s trial counsel’s firm. We do not see how this argument is related to the court’s denial of Mr. Atkins’ motion to remove. Based on our review of the evidence before the circuit court at the July 11, 2022 hearing, we conclude that Mr. Atkins failed to meet the “high standard of proof” required to justify disqualification, *Buckley*, 908 F. Supp. at 304, and affirm the circuit court’s denial of Mr. Atkins’ motion to remove Ms. Wheeler’s trial counsel.

II. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN DENYING MR. ATKINS’ POST-JUDGMENT MOTIONS.

Next, Mr. Atkins argues that the circuit court erroneously denied two post-judgment motions, the Motion for New Trial and Motion to Reconsider.⁷ Mr. Atkins claims that “[g]iven the contents of [the Motions, the circuit court] clearly erred when it, without comment, denied” the Motions. In support, Mr. Atkins points to portions of the Motions alleging that both his trial counsel and Ms. Wheeler’s trial

⁷ The Motion for New Trial cites generally to Maryland Rule 2-535 as support for the circuit court’s power to grant the requested relief. In relevant part, under Rule 2-535(a), a court may exercise revisory power over a judgment on motion of a party filed within 30 days of the entry of the judgment. Rule 2-535(b) permits a party to seek reconsideration or amendment of a court’s judgment at any time, but “only in the case of fraud, mistake, or irregularity.” Given this Court’s liberal construction of pro se parties’ arguments, *see, e.g., Simms v. Shearin*, 221 Md. App. 460, 480 (2015), and Mr. Atkins’ repeated allegation that his trial counsel, Ms. Wheeler, and Ms. Wheeler’s trial counsel “defrauded” him and/or the court, we interpret both Motions as invoking Maryland Rule 2-535(b).

counsel “defrauded” the circuit court. In response, Ms. Wheeler argues that Mr. Atkins’ Motions rely on exhibits not before the circuit court at trial. Ms. Wheeler further claims that the circuit court properly made credibility determinations based on evidence produced at trial.

As explained below, we affirm the circuit court’s denial of the Motions.

A. Standard Of Review

We review a court’s denial of a motion for a new trial and reconsideration for abuse of discretion. *Univ. of Maryland Med. Sys. Corp. v. Gholston*, 203 Md. App. 321, 329 (2012) (citing *Miller v. State*, 380 Md. 1, 92 (2004) (“[D]enials of motions for new trials are reviewable on appeal and rulings on such motions are subject to reversal when there is an abuse of discretion.”) (Battaglia, J., dissenting) (internal citation and marks omitted)); *Wilson-X v. Dep’t of Human Res.*, 403 Md. 667, 674-75 (2008). Abuse of discretion occurs when “no reasonable person would take the view adopted by the [trial] court.” *Wilson-X*, 403 Md. at 677 (internal citation and marks omitted).

B. Discussion

Mr. Atkins asserted before the circuit court that the Judgment should have been revised due to “extrinsic” fraud; that is, fraud that “actually prevents an adversarial trial[.]” *Davis v. Attorney Gen.*, 187 Md. App. 110, 123-24 (2009); *Jones v. Rosenberg*, 178 Md. App. 54, 72-73 (2008). In contrast, intrinsic fraud occurs in “the forum for the truth to appear, albeit, the truth was distorted by the complained of fraud.” *Jones*, 178 Md. at 73. “An enrolled decree will not be vacated, even [if] obtained by the use of forged documents, perjured testimony, or any other frauds which are ‘intrinsic’ to the

case itself.” *DeArriz v. Klingler-De Arriz*, 179 Md. App. 458, 470 (2008). After adverse parties are allowed to present a matter to a court for review and that court renders a decision,

the public policy of this State demands that there be an end to that litigation[. . .] This policy favoring finality and conclusiveness can be outweighed only by a showing that the jurisdiction of the court has been imposed upon, or that *the prevailing party, by some extrinsic or collateral fraud*, has prevented a fair submission of the controversy.

Jones, 178 Md. at 73 (emphasis added).

Here, Mr. Atkins’ Motion for New Trial alleges his own trial counsel “defrauded” him. His Motion for New Trial does not, however, complain of any action taken by Ms. Wheeler, the prevailing party, that “prevented a fair submission of the controversy.” *Jones*, 178 Md. at 73. Mr. Atkins only complains of allegedly inadequate representation by his own trial counsel. Based on this Court’s holding in *Jones*, actions of one’s own representation alone cannot establish extrinsic fraud.⁸ We, therefore, hold that the circuit court did not abuse its discretion in denying the Motion for New Trial.

Unlike the Motion for New Trial, the Motion to Reconsider alleges that Ms. Wheeler and her trial counsel committed fraud. Mr. Atkins directs this Court to review portions of the Motion for New Trial that claim that Ms. Wheeler misrepresented her

⁸ We observe that dissatisfaction with counsel because of perceived inadequate representation is, on its face, more analogous to a legal malpractice action. *Suder v. Whiteford, Taylor & Preston, LLP*, 413 Md. 230, 239 (2010) (A claim for legal malpractice includes the attorney’s employment, the attorney’s neglect of a reasonable duty, and the loss to the client proximately caused by that duty.). We do not opine on the merits of any such action here.

income to the circuit court “by more than a million dollars.” In support, Mr. Atkins cites to a financial statement, duly received by his trial counsel, that was not admitted into evidence during the parties’ divorce trial.

The financial statement, although filed by Ms. Wheeler, cannot by itself establish extrinsic fraud. That both parties possessed an allegedly fraudulent document at trial does not by itself “prevent[] a fair submission of the controversy.” *Jones*, 178 Md. at 73, and thus cannot be extrinsic fraud. Assuming *arguendo* that the financial statement is fraudulent, a court is not empowered to reconsider a judgment based on fraudulent documents available, but simply not proffered, at trial. *Id.* Moreover, even if the circuit court considered a fraudulent document at trial, the document would be intrinsic fraud, and not extrinsic fraud as alleged by Mr. Atkins. *DeArriz* 179 Md. App. at 470.

Finally, we note that simply attaching a label of “fraud” to alleged events or facts by itself is unavailing. “It is the settled rule that [one] seeking any relief on the ground of fraud must distinctly state the particular facts and circumstances constituting the fraud and the facts so stated must be sufficient in themselves to show that the conduct complained of was fraudulent. General charges of fraud or that acts were fraudulently committed are of no avail.” *Thomas v. Nadel*, 427 Md. 441, 452 (2012) (quoting *Spangler v. Sprosty Bag Co.*, 183 Md. 166, 173 (1944)).

For these reasons, we conclude that the trial court did not abuse its discretion in denying either the Motion for New Trial and the Motion to Reconsider, and affirm.

III. THE APPEAL OF THE CHILD CUSTODY ORDER IS NOT PROPERLY BEFORE THIS COURT.

Mr. Atkins further argues that the circuit court erred by incorporating the BIA’s custody recommendation into the court’s child custody order.⁹ According to Mr. Atkins, the circuit court erred because he filed a post-Judgment line asserting that the assigned BIA “failed in nearly every way to perform his duties in a competent manner[.]” Without having requested any remedy from the circuit court, Mr. Atkins now requests that this Court “[a]ward [Mr. Atkins] 50% child custody of [his] children and strike the [BIA’s] recommendation[] as currently reflected in the Amended Judgment of Absolute Divorce.”

“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]” Md. Rule 8-131(a). This Rule “serves to prevent the unfairness that could arise when a party raises an issue for the first time on appeal, thus depriving the opposing party from admitting evidence relating to that issue at trial.” *Wilkerson v. State*, 420 M. 573, 597 (2011).

Relatedly, our jurisdiction as an appellate court extends only to reviewing “the decisions,

⁹ Mr. Atkins’ brief appears to challenge both the “Judgment of Absolute Divorce” and the “Amended Judgment of Absolute Divorce[.]” Mr. Atkins did not properly note an appeal of the court’s Judgment. Md. Rule 8-201. Insofar as Mr. Atkins now contends that the Judgment is erroneous, we conclude this argument is moot given the court’s superseding Amended Judgment, filed on February 21, 2024. *See In re Joseph N.*, 357 Md. 431, 444 (2000) (Reviewing courts “do not have some sort of inherent authority” to remedy allegedly erroneous orders or judgments “from which no appeal has been taken.”); *Tallant v. State*, 254 Md. App. 665, 682-83 (2022) (“[M]ootness prevents review of an issue only when the court can no longer fashion an effective remedy.”) (internal quotations and marks omitted). Accordingly, our analysis of Mr. Atkins’ child custody argument applies only to the custody order in the Amended Judgment.

rulings, and actions of [a] circuit court”—*not* to issuing decisions, rulings, and orders on the merits in the first instance. *Carson v. State*, 140 Md. App. 379, 400 (2001).

Here, Mr. Atkins’ argument that the circuit court erred in its child custody order is not properly before this Court, because it does not “plainly appear by the record to have been raised in or decided by the trial court[.]” Md. Rule 8-131(a). So far as we can tell, to date, Mr. Atkins has not requested that the circuit court strike the BIA’s recommendations or alter the Amended Judgment’s custody order. Furthermore, because Mr. Atkins did not request any remedy in the post-Judgment line, the circuit court did not take any action in response. Mr. Atkins, therefore, does not appeal any “decisions, rulings, [or] actions of the circuit court” for which this Court has the authority to review. *Carson*, 140 Md. App. at 400. For these reasons, we conclude that this Court does not have jurisdiction to review Mr. Atkins’ challenge to—or, moreover, to grant the requested relief to correct—the child custody order.

CONCLUSION

We hold that, because the Drainage Issue and the parties’ divorce proceedings were neither part of the same legal transaction or dispute nor were substantially similar, the circuit court did not err in denying Mr. Atkins’ motion to remove Ms. Wheeler’s trial counsel. We also hold that the circuit court did not abuse its discretion in denying the post-Judgment Motions because Mr. Atkins did not establish extrinsic fraud. Finally, we conclude that this Court does not have jurisdiction to review Mr. Atkins’ challenge to the child custody order.

**JUDGMENTS OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY
AFFIRMED; COSTS TO BE PAID BY
APPELLANT.**