

Circuit Court for Prince George's County  
Case No. CAE17-29226

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 0308

September Term, 2024

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ALEXI E. ORTIZ

v.

ALFRED D. WALSH, JR.

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Graeff,  
Berger,  
Kehoe, Christopher B.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Graeff, J.

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Filed: March 18, 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 persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

This is the third appeal filed in this Court by Alexi Ortiz, appellant, in connection with a tax sale foreclosure. In this appeal, he challenges the order of the Circuit Court for Prince George’s County imposing sanctions and ordering him to pay attorney’s fees to Alfred Walsh, Jr., appellee.

Mr. Ortiz presents the following questions for this Court’s review, which we have rephrased slightly, as follows:

1. Did the circuit court err when it granted sanctions against Mr. Ortiz despite Mr. Ortiz’s uncontroverted statements, supported by affidavit, that Mr. Walsh’s counsel requested that he file the pleading alleged to be filed in bad faith and/or without substantial justification?
2. Did the circuit court err in failing to determine whether the amount of the attorney’s fees and costs was reasonable and appropriate based on the circumstances of the case?

For the reasons set forth below, we shall affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **I.**

#### **Prior Proceedings**

This case has a complicated procedural history involving multiple lawsuits and two prior appeals to this Court filed by Mr. Ortiz against Mr. Walsh, arising from a public tax sale of Mr. Ortiz’s property (“the Property”). In our opinion in the first appeal, *Ortiz v. Walsh*, No. 3454, Sept. Term, 2018, 2020 WL 4187842 (Md. App. Ct. July 21, 2020), *cert. denied*, 471 Md. 125, *cert. denied*, 141 S. Ct. 2465 (2021), we discussed the procedural history of this case. We quote our discussion of the initial proceedings as follows:

On May 9, 2016, Mr. Walsh purchased a tax sale certificate for the Property at a public tax sale for \$824.04. The Property was described as “2004 Eai-x Trs 1,871.0000 Sq.Ft. & Imps. Riggs Hill Condo Assmt \$41,000 Lib 35950 F1 001 Unit 1 Bldg M and assessed to Ortiz Alexi E.” The Certificate of Tax Sale noted that the Property was subject to redemption, but after November 6, 2016, “a proceeding can be brought to foreclose all rights of redemption in the [P]roperty.” It further provided that the certificate would be void unless such a proceeding was brought within two years of May 9, 2016.

On October 16, 2017, Mr. Walsh filed a Complaint to Foreclose the Equity of Redemption for Non-Payment of Taxes. He alleged that counsel for Mr. Walsh filed an affidavit stating that he mailed notice of the sale to Mr. Ortiz on July 12, 2017, and then again on August 22, 2017. He mailed the notice to 1700 Hannon Street, Unit 1, Hyattsville, Maryland, the address provided to the Maryland State Department of Assessment and Taxation (“SDAT”) as his mailing address.

On October 23, 2017, the court issued an Order of Publication “to secure the foreclosure of all rights of redemption from the tax sale” on the Property, ordering that

notice be given by the insertion of a copy of this Order in some newspaper having a general circulation in Prince George’s County once a week for three consecutive weeks, warning all persons interested in the [P]roperty to appear in this [c]ourt by the 26 day of December, 2017, and redeem the [P]roperty and answer the Complaint or thereafter a final judgement will be entered foreclosing all rights of redemption in the [P]roperty and vesting in [Mr. Walsh] a title to said property in Fee Simple[.]

The *Prince George’s Post* published the Order of Publication on November 2, 9, and 16, 2017.

Mr. Walsh also attempted to serve notice on Mr. Ortiz. The notice advised that, to redeem the Property or file an answer to the Complaint, it needed to be done by the latest of “(a) The expiration date of the period described in the summons, or (b) The date specified in the Order of Publication, or (c) 33 days after the mailing out of said Order of Publication.”

The affidavit of service stated that, on December 19, 2017, “[s]ervice was accepted at 1700 Hannon Street, Unit 1 Hyattsville MD 20783 by Jessie Guerrero a co-occupant.” Mr. Walsh also attempted service on Mr. Ortiz via

first class mail at the 1700 Hannon Street, Unit 1 address. The letter was returned to sender.

Mr. Walsh asked the Sheriff to post a copy of the notice on the Property “known as 1702 Hannon St., Unit 1.” On November 1, 2017, a Sergeant filed a return, which stated: “NON-EST 11-01-17/Incomplete Address.” On March 7, 2018, Mr. Walsh also sent notice by mail addressed to “Alexi E. Ortiz or Occupant” at 1702 Hannon Street, Unit 1. The envelope containing the notice was marked “Notice of Action to Foreclose.”

Mr. Walsh subsequently filed an Affidavit of Compliance, detailing the actions he had taken to serve Mr. Ortiz in compliance with Md. Rule 2-121(c). In that affidavit, Mr. Walsh stated that the Sheriff had posted notice in a conspicuous place on the Property on December 1, 2017.

On June 26, 2018, the court issued a Judgment Foreclosing Right of Redemption. It found that all known defendants were given notice in accordance with Md. Code (2016) § 14-839 of the Tax Property Article (“TP”), and no redemption had been made. Accordingly, the court entered judgment in favor of Mr. Walsh, foreclosing the right of redemption in the Property, ordering that Mr. Walsh be vested with an absolute and indefeasible Fee Simple title to the Property and the Director of Finance execute a Deed to him.

On September 14, 2018, Mr. Ortiz filed a Motion to Vacate Judgment Foreclosing Right of Redemption and Reopen Case; and Request for Hearing. In his motion and attached affidavit, Mr. Ortiz alleged that the Property address was 1702 Hannon Street, T-2, not 1702 Hannon Street, Unit 1. He asserted that the address listed on the State of Maryland Land Instrument Intake Sheet recorded with the Deed was 1702 Hannon Street, T-2, he had never owned 1700 Hannon Street, Unit 1, and he had never asked to be served there. Despite these documents, Mr. Walsh attempted service at the wrong address. Mr. Ortiz alleged that Jessie Guerrero was a person with no relation to him. Finally, he asserted that the service attempts failed to give him actual notice, and he asked that the court vacate the Judgment Foreclosing Rights of Redemption and reopen the case to be decided on the merits.

Mr. Ortiz’s tenant, Esvin O. Benavente Perez, also signed an affidavit. Mr. Perez attested that he had lived at 1702 Hannon Street, T-2, since May 1, 2016, he personally knew his landlord, Mr. Ortiz, he was never served with

legal papers, there was no posting on the Property relating to this case, and he did not personally know “Jessie Guerro.”

Mr. Walsh filed an opposition to Mr. Ortiz’s motion to vacate. He asserted that the motion to vacate the judgment foreclosing rights of redemption should be denied for two reasons. First, he argued that Mr. Ortiz had failed to “satisfy the condition precedent of paying the outstanding taxes and expenses” on the Property. He argued that, pursuant to *Quillens v. Moore*, 399 Md. 97, 125 (2007), to seek to vacate a judgment foreclosing rights of redemption, the taxpayer must first pay to the collector or the certificate holder the total sum of taxes and other monies due. Second, he argued that notice sent to Unit 1 was the “correct address,” asserting that this was the address that Mr. Ortiz gave to the SDAT as his mailing address.

On January 3, 2019, the circuit court denied Mr. Ortiz’s Motion to Vacate Judgment Foreclosing Right of Redemption and Reopen Case; and Request for a Hearing. It stated that Mr. Ortiz did not “first pay to the Collector or the certificate holder the total sum of the taxes, interest, penalties and expenses of the sale that are due” pursuant to *Quillens*. It ordered that the case remain closed.

*Ortiz*, 2020 WL 4187842, at \*1-3 (alterations in original) (footnotes omitted).

We affirmed the circuit court’s order denying Mr. Ortiz’s Motion to Vacate Judgment Foreclosing Right of Redemption because Mr. Ortiz failed to pay the taxes owed on the Property, and therefore, he had not satisfied a condition precedent to overturning the tax sale. *Id.* at \*4. We also noted that, although Mr. Ortiz argued that he never received notice, “counsel for Mr. Ortiz acknowledged at oral argument that Mr. Walsh complied with the [requisite] statute.” *Id.* On August 16, 2022, after the Supreme Court of Maryland and the Supreme Court of the United States denied Mr. Ortiz’s petitions for a grant of *certiorari*, the Director of Finance and Collector of Taxes for Prince George’s County executed a deed transferring title to the Property to Mr. Walsh.

We explained what happened next in our second unreported opinion, *Ortiz v. Walsh*, No. 190, Sept. Term, 2022, 2023 WL 8229973 (Md. App. Ct. Nov. 28, 2023), as follows:

In September 2022, Mr. Walsh filed a Motion for Order of Judgment Awarding Possession. The court denied the motion, pending verification that Mr. Walsh mailed a copy of the notice to the tenant on the Property of his intent to take possession. On November 9, 2022, Mr. Walsh filed an Amended Motion for Order of Judgment Awarding Possession, including a copy of notice to: “Alexi E. Ortiz and/or all occupants of 1702 Hannon Street, T2 (legally described as Unit 1), Hyattsville, Maryland 20783.” The notice, dated November 7, 2022, advised that Mr. Walsh intended to take possession of the property after 30 days.

On November 11, 2022, Mr. Ortiz filed a response to the motion. He argued, as he did in the earlier proceedings, that notice was not proper. He asked the court to: (1) deny Mr. Walsh’s amended motion; (2) vacate its previous order to foreclose Mr. Ortiz’s right of redemption; (3) hold a status hearing on the matter; and (4) “grant such further relief deemed just and proper.”

On December 2, 2022, Mr. Walsh filed a reply to Mr. Ortiz’s response, as well as a motion for sanctions and request for attorneys’ fees in the amount of \$2,870.00.<sup>[1]</sup> Mr. Walsh explained that Mr. Ortiz had repeatedly argued that the Property was not “Unit 1,” but rather “T2,” but counsel researched the deeds and determined that the Property was Unit 1. Mr. Walsh argued the courts previously had rejected the improper notice arguments, and Mr. Ortiz’s motion was made “in bad faith and without substantial justification.”

On December 9, 2022, seven days later, the court issued an order granting judgment for possession of the Property to Mr. Walsh. The order stated that, based upon all the pleadings, “and noting the participation and actions by [Mr. Ortiz], along with the actions and decisions of the Maryland Court of Special Appeals, this Court independently finds service and notice to be proper and possession warranted.” The court further stated that, “based upon the thorough filings, related supporting documents and arguments and representations of both [Mr. Walsh] and [Mr. Ortiz] contained therein, the Court finds a hearing unnecessary and sanctions and attorney’s fees to be justified.” The court then granted the motion for sanctions and ordered that

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<sup>1</sup> We will discuss the affidavit setting forth the basis for the fees in the discussion, *infra*.

a judgment of attorneys' fees in favor of Mr. Walsh against Mr. Ortiz be entered "in the amount of \$2,870.00."

*Ortiz*, 2023 WL 8229973, at \*1-2.

In our 2023 opinion, we discussed Mr. Ortiz's subsequent motion to reconsider, as follows:

On December 12, 2022, Mr. Ortiz filed a motion to reconsider the order granting sanctions against him and requested a hearing. Mr. Ortiz noted that the Maryland Rules allow a party 15 days to respond to a request for sanctions, but the court issued the order awarding sanctions within seven days, "without affording [him] the opportunity to respond to [Mr. Walsh's] request for sanctions." He also argued that sanctions were not warranted because counsel requested that Mr. Ortiz file a response regarding the issue of notice.<sup>[2]</sup> Finally, he argued that the fees sought were "not reasonable, nor related to [his] motion."<sup>[3]</sup>

On December 23, 2022, Mr. Walsh filed a response to the motion. He argued that Mr. Ortiz was attempting "to defend this action without substantial justification and in bad faith by repeatedly raising the same notice arguments that [had] been fully litigated and adjudicated." Mr. Walsh stated that he exercised due diligence in verifying the sufficiency "of the location/address

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<sup>2</sup> Mr. Ortiz included with his motion an affidavit from his attorney, Rafael Montero. Mr. Montero stated that, after he received the motion for possession, he called Mr. Greenberg, new counsel for Mr. Walsh, and he advised that the motion had not been served on Mr. Ortiz or the tenant at the address. He "suggested that a Declaratory Judgment action may be necessary in order to obtain a court order establishing the true mailing address for the subject property and all the condominiums in the subject building since all the legal addresses and mailing addresses were at odds." After the initial motion for possession was denied, there was another telephone call, and Mr. Greenberg suggested that Mr. Montero "file a response to his new Motion for Reconsideration to Denial of Motion for Possession and that I request a hearing so that a Judge 'can decide what should be done.'"

<sup>3</sup> Mr. Ortiz challenged the reasonableness of approximately 5.0 of the 8.2 hours Mr. Walsh's counsel claimed to have worked as a result of Mr. Ortiz's November 11, 2022 response. Mr. Ortiz argued that his response was not filed until November 11, 2022, and many of Mr. Walsh's earlier fee entries could not be attributed to Mr. Ortiz, but rather, they were incurred as a result of the circuit court's *sua sponte* denial of the Original Motion for Possession.

of the Subject Property,” and the court properly found that service and notice were proper. He argued that additional fees of \$1,575 were incurred in responding to the motion, and asked the court to enter an order granting those fees and enter a money judgment in his favor in the amount of \$4,445.00.

On December 26, 2022, Mr. Ortiz filed a reply. He asked the court to reconsider its imposition of sanctions, stating that “sanctions and attorney’s fees [were] inappropriate in light of the communication and conduct by and between counsel *prior* to any response being filed.” Mr. Ortiz noted Mr. Walsh’s failure to controvert his assertion that Mr. Walsh’s attorney suggested he file a response to the amended motion for judgment awarding possession.

On December 29, 2022, the court issued an order stating, without elaboration, that Mr. Ortiz’s requests for reconsideration and a hearing were denied, and Mr. Walsh’s request for sanctions and additional attorneys’ fees was denied.

*Ortiz*, 2023 WL 8229973, at \*2 (partial alterations in original).

Mr. Ortiz appealed the circuit court’s ruling awarding sanctions. He argued, among other things, that the court erred in imposing sanctions “without making any express finding that [Mr. Ortiz] acted in bad faith or that [Mr. Ortiz] acted without substantial justification,” and the court “failed to consider the totality of the circumstances when it denied [his] motion to reconsider without considering facts alleged in [his] response.” *Id.* at \*1, 3 (alterations in original). We agreed that the circuit court did not make an explicit finding of either bad faith or lack of substantial justification in determining sanctions. *Id.* at \*5. Additionally, the court did not provide a basis for its conclusion regarding its assessment of costs and attorney’s fees. *Id.* We remanded to the circuit court to make additional findings in accordance with our opinion. *Id.*



## II.

### Order At Issue in This Appeal

On March 18, 2024, the circuit court issued a detailed, six-page opinion, making specific findings as to its basis for awarding Mr. Walsh \$2,870.00 in attorney's fees pursuant to Maryland Rule 1-341. The court initially discussed the history of the proceedings and the requirements to impose sanctions under the rule. It stated that, in reaching its decision to award sanctions, it

reviewed the complete file, including all docket entries, pleadings, supporting documents, and representations and arguments of both [Mr. Walsh] and [Mr. Ortiz] contained therein, along with the first decision of the then Maryland Court of Special Appeals. After having reviewed such materials, this Court confirmed its independent finding that service and notice had been proper and subsequently found possession to be warranted. Moreover, this court reached the conclusion that [Mr. Ortiz] also lacked standing to file his November 11, 2022 Response to [Mr. Walsh's] Motion to Reconsider, and more further, given that [Mr. Ortiz] had the last opportunity to remedy a ten (10) year old error, which allegedly affected attempts at service, [he] was ultimately responsible for the confusion that is this case. The details of the court's basis for such finding are as follows.

On the issue of [Mr. Ortiz]'s claimed lack of notice, this court first finds, that even if it is to be believed that [Mr. Ortiz] did not receive direct initial notice of the proceedings by [Mr. Walsh], that it is undisputed that he ultimately received actual notice in sufficient time to act. And act he did. While it is unfortunate that [Mr. Ortiz] was unaware of exactly how to properly redeem the property, the fact is that [Mr. Ortiz], prior to the Court's foreclosing of his right [to] redeem the property, learned of the action, obtained counsel, filed a motion, and was heard by the court. Moreover, while [Mr. Ortiz] places blame and argues that the loss of the property lies with [Mr. Walsh], this Court finds that it was [Mr. Ortiz]'s actions and inactions not only after the filing of the Complaint to Foreclose his Right of Redemption, that resulted in the loss of his property, but also before. In short, this Court believes that the cause of the loss of his property was known or should have been known by him long before the property was subject to tax sale.

(internal footnotes omitted).

The court discussed the documents relating to the sale of the property as follows:

[T]he information displayed on all deeds, the SDAT records, the tax sale certificate, and the title report including the street address, legal description, tax identification number, and liber and folio number, resulted in the use, by [Mr. Walsh] of a description of the property, not only in substantially the same form as the description appearing on the collector's tax roll, but exactly as identified on the deed and the tax certificate. In addition, the mailing address used at times, by [Mr. Walsh] matched the address identified on the SDAT records. As a result, the address(es) obtained and used by [Mr. Walsh], for filing, notification, and service purposes were all properly obtained and used, and consistent with a variety of sections of Md. Code Ann., Tax-Prop. As also required, the tax sale purchaser also used the information provided for in the tax assessor rolls with respect to posting and publication. Further and again, there is no dispute that [Mr. Ortiz], at some point, while ultimately unsuccessful at redeeming the property, received actual notice in sufficient time to successfully redeem the property.

(internal footnotes omitted).

The circuit court stated that it believed, based on Mr. Ortiz's filings and the history of the land records, that Mr. Ortiz knew or should have known about any inconsistencies in the address before he learned of the 2018 tax sale. By not ensuring that he could receive proper notice, the court opined that Mr. Ortiz "must then blame himself for any perceived loss of due process rights."

The court noted that, in addition to filing numerous oppositional motions asserting lack of proper process and/or notice, Mr. Ortiz filed a motion arguing lack of process and/or notice after the Property was transferred to Mr. Walsh and Mr. Ortiz no longer held an interest in the property. Even after the circuit court's decision regarding service had been affirmed, Mr. Ortiz continued to argue lack of proper service and notice. The court found, therefore, that Mr. Ortiz had "no substantial justification for continuing to file oppositional

pleadings, causing [Mr. Walsh] to continue to exert time, energy, and resources in responding to same.”

The court concluded:

In sum, this Court is not willing to believe that [Mr. Ortiz] did not or could not have gained knowledge of the error surrounding the improper identification of his address between the 2014 purchase date and September 14, 2018, almost three (3) months after the judgment foreclosing the right of redemption had been entered on June 26, 2018. At a minimum [Mr. Ortiz] knew of the error by September 2018, when he, by and through his counsel brought it to the Court’s attention. Further, this Court finds that [Mr. Ortiz] apparently received actual notice of these proceedings in sufficient time to act, again quashing any argument surrounding lack of notice. Yet he pressed on. Continuing to file motions raising the same issue, even after cert. had been denied and again, and most egregiously, after the property had ultimately been transferred out of his name. As such, this Court finds that by that time, [Mr. Ortiz]’s arguments were disingenuous. To this Court, these actions displayed bad faith and a lack of substantial justification to maintain the action, leading this Court to find that [Mr. Ortiz] was then engaging in unnecessary litigation, based upon an argument that was not fairly debatable or within the realm of legitimate advocacy.

The court stated that, for all these reasons, it was awarding attorney’s fees in the amount requested, \$2,870.00, “to cover [Mr. Walsh’s] time, energy and resources in unnecessarily having to respond to the matter and as a hopeful deterrent to future filings.”

This appeal followed.

### **DISCUSSION**

Mr. Ortiz raises two issues regarding the sanctions order. First, he argues that the circuit court erred in finding that his response to the amended motion for judgment awarding possession was filed in bad faith or without substantial justification where Mr. Walsh “requested said filing.” Second, Mr. Ortiz argues that the circuit court abused its discretion in awarding attorney’s fees because it “failed to address the reasonableness and

amount of the attorney’s fees requested by [Mr. Walsh].” We will address both of these contentions, in turn.

Before addressing Mr. Ortiz’s specific allegations, we address generally the law regarding fees pursuant to Md. Rule 1-341(a). That rule provides:

**Remedial Authority of Court.** — In any civil action, if the court finds that the conduct of any party in maintaining or defending any proceeding was in bad faith or without substantial justification, the court, on motion by an adverse party, may require the offending party or the attorney advising the conduct or both of them to pay to the adverse party the costs of the proceeding and the reasonable expenses, including reasonable attorneys’ fees, incurred by the adverse party in opposing it.

Md. Rule 1-341(a).

Before awarding sanctions under Rule 1-341, the circuit court “must make two separate findings that are subject to scrutiny under two related standards of appellate review.” *Inlet Assocs. v. Harrison Inn Inlet, Inc.*, 324 Md. 254, 267 (1991). *Accord Garcia v. Foulger Pratt Dev., Inc.*, 155 Md. App. 634, 676-77 (2003); *Barnes v. Rosenthal Toyota, Inc.*, 126 Md. App. 97, 104-05 (1999). First, the court “must make an evidentiary finding of bad faith or lack of substantial justification.” *Talley v. Talley*, 317 Md. 428, 436 (1989) (quoting *Legal Aid v. Bishop’s Garth*, 75 Md. App. 214, 220 (1988)). This determination is reviewed under a clearly erroneous standard. *Toliver v. Waicker*, 210 Md. App. 52, 71, *cert. denied*, 210 Md. App. 52 (2013).

Bad faith “exists when a party litigates with the purpose of intentional harassment or unreasonable delay.” *Id.* (quoting *Barnes*, 126 Md. App. at 105). With respect to a finding “whether an attorney lacked substantial justification to file a claim, the issue is

‘whether [the attorney] had a *reasonable basis* for believing that the claims would generate an issue of fact.’” *Id.* (quoting *RTKL Assocs. Inc. v. Baltimore Cnty.*, 147 Md. App. 647, 658 (2002) (alteration in original)).

With respect to this first step, the court must make “an explicit finding that a claim or defense was ‘in bad faith or without substantial justification.’” *Zdravkovich v. Bell Alt.-Tricon Leasing, Corp.*, 323 Md. 200, 210 (1991) (quoting Md. Rule 1-341). *Accord URS Corp. v. Fort Myer Constr. Corp.*, 452 Md. 48, 72 (2017); *Talley*, 317 Md. at 436. The record must reflect “the basis for those findings.” *Zdravkovich*, 323 Md. at 210. As the Supreme Court of Maryland has explained, “some brief exposition of the facts upon which the finding is based and an articulation of the particular finding involved are necessary for subsequent review.” *Id.* (quoting *Talley*, 317 Md. at 436). *Accord Fowler v. Printers II, Inc.*, 89 Md. App. 448, 487 (1991) (without factual findings, “it is impossible for an appellate court to review the circuit court’s decision”).

Second, “if a court finds a claim was pursued in bad faith or without substantial justification, it then has to determine whether to award sanctions.” *Garcia*, 155 Md. App. at 677. This determination is reviewed for an abuse of discretion. *Id.*

In determining whether to award sanctions, the court must “separately find,” *Christian v. Maternal-Fetal Medical Associates of Maryland.*, 459 Md. 1, 21 (2018), “whether the party’s conduct merits the assessment of costs and attorney’s fees.” *URS Corp.*, 452 Md. at 72; *Barnes*, 126 Md. App. at 106 (“From a practical perspective, sanctions will almost always take the form of reimbursement of attorney’s fees for defense

of the offending claims, and, under Rule 1-341, an award of attorney’s fees must be reasonable.”). Although “[t]he trial court enjoys a large measure of discretion in fixing the reasonable value of legal services,” *DeLeon Enterprises, Inc. v. Zaino*, 92 Md. App. 399, 419 (1992) (quoting *Head v. Head*, 66 Md. App. 655, 669 (1986)), the court must support its decision with “specific findings of fact on the record” to ensure that “the imposed fees are not arbitrary” and that the appellate court “has [the] means to review [the] court’s exercise of discretion.” *Christian*, 459 Md. at 30-34 (quoting *Barnes*, 126 Md. App. at 106).

With this background, we address Mr. Ortiz’s specific claims.

## I.

### **Finding of Bad Faith and Lack of Substantial Justification**

Mr. Ortiz acknowledges, as he must, that the circuit court issued a much more detailed opinion on remand. He argues, however, that the court failed to address Mr. Ortiz’s “asserted basis for filing the Response in the first place,” that he filed the response to the amended motion at the suggestion of Mr. Walsh’s new counsel “because of the unresolved issue with the mailing address for the property.” He asserts that the court erred in finding that he acted in bad faith and “without substantial justification without examining the totality of the circumstances that led to the filing of the Response.”

Mr. Walsh contends that the “court made the requisite factual findings in support of its holding that [Mr.] Ortiz’s response to the amended motion was filed in bad faith and without substantial justification.” He argues that the circuit court gave “an explicit,

detailed, and thoughtful explanation of findings demonstrating [that Mr. Ortiz’s] actions of continuing to argue improper notice were disingenuous,” and “these actions displayed bad faith and a lack of substantial justification to maintain the action” because they were based on “an argument that was not fairly debatable or within the realm of legitimate advocacy.” With respect to Mr. Ortiz’s contention that counsel for Mr. Walsh “requested” that Mr. Ortiz file the response, he asserts that this is “ludicrous” and a “borderline libelous” statement, but nonetheless, the court’s order indicates that it considered all representations by the parties.

As we set forth, *supra*, the circuit court’s order on remand gave a detailed explanation regarding why it found that Mr. Ortiz’s response to the motion for possession was made in bad faith and without substantial justification. The court found that service and notice had been proper, and his contention to the contrary had been rejected, yet Mr. Ortiz continued filing motions alleging lack of service and/or notice, even after Mr. Ortiz no longer had an interest in the property. The court found that Mr. Ortiz had “no substantial justification for continuing to file oppositional pleadings, causing [Mr. Walsh] to continue to exert time, energy and resources in responding to same.” The circuit court, therefore, satisfied its burden of making “an explicit finding that a claim or defense was ‘in bad faith or without substantial justification.’” *Zdravkovich*, 323 Md. at 210 (quoting Md. Rule 1-341). The record clearly reflected a basis for the court’s findings, and the court provided

an “exposition of the facts upon which the finding is based and an articulation of the particular finding.” *Id.* (quoting *Talley*, 317 Md. at 436).<sup>4</sup>

## II.

### Award of Attorney’s Fees

Mr. Ortiz next contends that the circuit court abused its discretion in awarding attorney’s fees because it “failed to address the reasonableness and amount of the attorney’s fees requested by [Mr. Walsh].” He asserts that, although he “challenged the reasonableness of the fees sought, including specific challenges to task and time, the Circuit Court granted [Mr. Walsh’s] full request for \$2,870.00 without any analysis as to the reasonableness of fees claim[ed].”

Mr. Walsh contends that the court did not abuse its discretion in assessing attorney’s fees. He notes that, in his reply to Mr. Ortiz’s response and his request for attorney’s fees in the amount of \$2,870.00, he included an affidavit, which included “itemized time entries for the period of September 23, 2022, when [Mr.] Montero first telephoned [Mr.] Greenberg, through December 1, 2022.” These fees began on September 23, 2022, because that was when Mr. Montero first telephoned counsel raising “frivolous issues without substantial justification knowing that they had already been adjudicated.”

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<sup>4</sup> To be sure, the circuit court did not explicitly address communications between counsel. The court said, however, that it had reviewed all the arguments. That the court gave no weight to Mr. Ortiz’s arguments in this regard was within the court’s discretion, and does not render its decision clearly erroneous.



-Unreported Opinion-

The affidavit included in Mr. Walsh’s motion for sanctions and attorney’s fees stated that counsel billed at an hourly basis of \$350 per hour, and counsel performed a total of 8.2 hours of work, billed at six-minute increments, totaling \$2,870.00. He included a time log as follows:

Date	User	Matter Number	Work Type	Description	Billable	Total
12/1/2022	JNG	1235-0001-1702 Hannon St.	Drafting	Reply to Response and Affidavit of Attorney's Fees	1.9	\$665.00
11/22/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: Walsh v. Ortiz	0.1	\$35.00
11/22/2022	JNG	1235-0001-1702 Hannon St.	Consultation	Phone Correspondence: Call with Alfred D. Walsh, Sr. on Nov 22, 2022	0.3	\$105.00
11/22/2022	JNG	1235-0001-1702 Hannon St.	Consultation	Phone Correspondence: Call with CMC/Chantel on Nov 22, 2022	0.1	\$35.00
11/21/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from no-reply@efilingmail.tylertech.cloud regarding Filing Reviewed for Case: CAE17-29226; Walsh vs Ortiz; Envelope Number: 11103381	0.1	\$35.00
11/21/2022	JNG	1235-0001-1702 Hannon St.	Drafting	Line Withdrawing Motion for Reconsideration of Order Denying Order of Judgment Awarding Possession; E-file the same.	0.3	\$105.00
11/14/2022	JNG	1235-0001-1702 Hannon St.	Review	Response to Amended Motion to Reconsider Order Denying Possession	0.2	\$70.00
11/14/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from no-reply@efilingmail.tylertech.cloud regarding Notification of Service for Case: CAE17-29226, Walsh vs Ortiz for filing Response/Reply, Envelope Number: 11015487	0.1	\$35.00
11/7/2022	JNG	1235-0001-1702 Hannon St.	Drafting	New Notice of Taking Possession (using T2); Amended Motion	0.4	\$140.00
11/7/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/7/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from Lisa Richardson regarding RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/7/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from Lisa Richardson regarding RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/7/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/7/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from Lisa Richardson regarding RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00

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11/7/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/7/2022	JNG	1235-0001-1702 Hannon St.	Review	appeal extract	0.3	\$105.00
11/7/2022				Review email from Lisa Richardson regarding RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Review			
11/4/2022	JNG	1235-0001-1702 Hannon St.	telephone conference	Phone Correspondence: Call with JNG on Nov 4, 2022	0.4	\$140.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Research	Deed history; brief filed in appeal	0.7	\$245.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Consultation	Phone Correspondence: Call with Property Management Company on Nov 4, 2022	0.1	\$35.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/4/2022				Review email from alfred walsh regarding Re: 1235-0001-Alfred Walsh, Sr.-1702 Hannon St. Unit 1	0.1	\$35.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: Re: 1235-0001-Alfred Walsh, Sr.-1702 Hannon St. Unit 1	0.1	\$35.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: 1235-0001-Alfred Walsh, Sr.-1702 Hannon St. Unit 1	0.1	\$35.00
11/4/2022				Review email from Lisa Richardson regarding RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Review			
11/4/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/4/2022				Review email from Lisa Richardson regarding FW: Attached Image- Riggs Hill Condo 1702 Hannon St unit 1	0.1	\$35.00
11/4/2022	JNG	1235-0001-1702 Hannon St.	Review			
10/31/2022	JNG	1235-0001-1702 Hannon St.	Drafting	Motion for Reconsideration; Affidavit; Orders	0.6	\$210.00
10/10/2022					0.1	\$35.00
10/3/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: Riggs Hill Condominium - 1702 Hannon Street, #1, Hyattsville, MD 20783	0.1	\$35.00
10/3/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: Riggs Hill Condominium - 1702 Hannon Street, #1, Hyattsville, MD 20783	0.1	\$35.00
9/29/2022	JNG	1235-0001-1702 Hannon St.	Consultation	Phone Correspondence: Call with Tom @ Priority Process on Sep 29, 2022	0.1	\$35.00
9/29/2022						
9/29/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: FW: Riggs Hill Condominium - 1702 Hannon Street, #1, Hyattsville, MD 20783, discussion with PPS-Tom re: attempts to get into the building.	0.3	\$105.00
9/27/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from Manny Montero regarding Walsh v. Ortiz	0.1	\$35.00
9/25/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: RE: 1702 Hannon Unit 1 - Alfred Walsh	0.1	\$35.00
9/25/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from Anthony Onwuanibe regarding RE: 1702 Hannon Unit 1 - Alfred Walsh	0.1	\$35.00
9/23/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: 1702 Hannon Unit 1 - Alfred Walsh	0.1	\$35.00
9/23/2022	JNG	1235-0001-1702 Hannon St.	Email	Email Correspondence: 1702 Hannon Street Unit 1 - Walsh	0.1	\$35.00
9/23/2022	JNG	1235-0001-1702 Hannon St.	Review	Review email from MANNY MONTERO regarding Wash v. Ortiz	0.1	\$35.00
TOTAL					8.2	\$2,870.00

Counsel concluded that, based on his background and experience, and given the nature of the work involved and the time expended, “an attorney’s fee of \$2,870.00 would be fair and reasonable in relation to the fees customarily charged in this locality for similar legal services.”

Mr. Ortiz claims in his appeal, as he did below, that “nearly 5.0 of the 8.2 total hours billed by [Mr. Walsh’s] counsel were earned prior to November [11], 2022, when [Mr. Ortiz] filed the Response[.]” Mr. Walsh asserts that he “included itemized time entries for the period of September 23, 2022, when [Mr. Ortiz’s counsel] first telephoned [Mr. Walsh’s counsel], through December 1, 2022.” He argues that the hours billed prior to the November 11, 2022 response were proper because Mr. Ortiz’s counsel was “repeatedly calling” counsel raising “frivolous issues without substantial justification knowing that they had already been adjudicated.”

As indicated in our prior opinion, we also remanded on the issues of fees because the court had not provided a basis for its conclusion that Mr. Ortiz’s conduct merited the assessment of costs and attorney’s fees, nor “did it address how the attorneys’ fees requested related to the alleged misconduct and whether all of the fees were attributable to this misconduct.” *Ortiz*, 2023 WL 8229973, at \*5. On remand, after explaining in detail its conclusion that Mr. Ortiz acted in bad faith and without substantial justification in maintaining the action by “engaging in unnecessary litigation,” the court stated that it awarded Mr. Walsh attorney’s fees pursuant to Md. Rule 1-341, in the amount requested, \$2,870.00, to cover Mr. Walsh’s “time, energy and resources in unnecessarily having to respond to the matter and as a hopeful deterrent to future filings.” The court based its award of fees on the affidavit explaining the hourly rate and the work performed in responding to Mr. Ortiz’s continuous claims about service, which the court found to be in bad faith. Although it would be better practice to make a specific finding that the fees were reasonable,

we conclude that, under the facts of this case, the court's determination to award attorney's fees, with the additional explanation on remand, was within the bounds of its discretion.

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