

Circuit Court for Baltimore City
Case No. 24-C-09-000745

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0425

September Term, 2023

VENUS L. JACKSON

v.

WILLIAM W. CARTER, JR., ET AL

Arthur,
Zic,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: September 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).

In 2009, William W. Carter and James C. Smith were awarded a consent judgment against appellant Venus L. Jackson. The case on appeal concerns the filing of a renewal of that judgment in 2021 followed by a writ of garnishment against Ms. Jackson’s wages shortly thereafter.

The first issue on appeal stems from Mr. Smith dying in 2009—prior to the renewal of judgment in 2021—and Mr. Carter dying in 2021—after the renewal but prior to the writ of garnishment in 2021. Ms. Jackson filed a motion objecting to the renewal of judgment and garnishment, arguing that the deaths severed the attorney-client relationship and rendered the filings invalid. The wives of the deceased men, Vivian A. Carter and Thelma L. Smith (“Appellees”), argued in their opposition that they were substituted as the personal representatives of their husbands’ estates and accordingly authorized counsel to proceed with the renewal of judgment and garnishment. Both Ms. Jackson and the Appellees requested a hearing. The circuit court ordered that both wives were properly appointed as personal representatives, denied Ms. Jackson’s motion objecting to the renewal of judgment and garnishment, and did not hold a hearing.

The second issue on appeal stems from the circuit court denying Ms. Jackson’s motion without a hearing. Ms. Jackson argues that a hearing was required pursuant to Maryland Rule 2-311(f) because the circuit court’s order rendered a decision that was dispositive of a claim and/or defense.

As we explain, we vacate the circuit court’s judgment and remand.

BACKGROUND

Consent Judgment in 2009

On January 20, 2009, Mr. Carter and Mr. Smith filed a complaint against Ms. Jackson for breach of a promissory note. On February 19, 2009, Mr. Smith died. On June 2, 2009, an estate was opened on behalf of Mr. Smith with Ms. Smith appointed as personal representative.¹ On September 30, 2009, a consent judgment was entered in favor of Mr. Carter and Mr. Smith against Ms. Jackson in the amount of \$66,619.43, which included interest and fees.

Renewal of Judgment in 2021

On August 24, 2021, pursuant to Maryland Rule 2-625, a renewal of the judgment was requested. On August 25, 2021, the clerk entered a notice of renewed judgment. If the judgment was not renewed, the judgment would have expired on September 30, 2021. On October 26, 2021, Mr. Carter died and on November 19, 2021, an estate was opened, and his wife, Ms. Carter, was appointed as personal representative of the estate.² At this point, both Mr. Carter and Mr. Smith are deceased. On December 13, 2021, a request for

¹ The Appellees and Ms. Jackson refer to documents from The Office of The Register of Wills website for Montgomery County, Maryland. These documents are not in the record extract provided and were not before the circuit court. Appellees asked in a footnote for this Court to “take judicial notice of the appointment of Thelma Smith as the personal representative of James Smith and [to] take judicial notice of the appointment of Vivian Carter as the personal representative of William Carter.” Ms. Jackson’s reply brief also cites to the documents provided in the appendix to Appellees’ brief. As Ms. Jackson and Appellees rely upon the documents and the documents are from an official government publication whose “accuracy cannot reasonably be questioned,” we will take judicial notice under Maryland Rule 5-201.

² See footnote 2.

writ of garnishment of Ms. Jackson’s wages was filed for \$153,992.37 pursuant to Maryland Rule 2-646. The garnishment of wages was served on January 12, 2022, to the garnishee, Baltimore City Public School System.

On September 20, 2022, a notice of substitution was filed naming Mr. Smith’s wife, Ms. Smith, as the proper party for Mr. Smith and naming Mr. Carter’s wife, Ms. Carter as the proper party for Mr. Carter. On October 3, 2022, an amended notice of substitution was filed naming the “Estate of James C. Smith” as the proper party for Mr. Smith and naming the “Estate of William W. Carter, Jr.” as the proper party for Mr. Carter.

Circuit Court Case

On October 4, 2022, Ms. Jackson filed a document titled: “Objection and Request to Strike Substitution of Party([ies]), Motion to Strike/Quash Garnishment Proceedings and Strike Request to Renew Judgment, and Vacate Judgment.” Ms. Jackson also filed a memorandum of law and requested a hearing.

On October 21, 2022, Appellees filed an opposition to Ms. Jackson’s filing.³ Appellees also filed a memorandum of law and requested a hearing.

³ The Appellees’ opposition, filed in response to Ms. Jackson’s motion, was fully titled as follows: “Opposition to Defendant’s Motion Titled, ‘Objection and Request to Strike Substitution of Party([ies]), Motion to Strike/Quash Garnishment Proceedings and Strike Request to Renew Judgment, and Vacate Judgment.’”

On March 23, 2023, the circuit court entered an order that Ms. Jackson’s objection, requests, and motions were denied. No hearing was held. Ms. Jackson filed this timely appeal.

QUESTIONS PRESENTED

Ms. Jackson presents two questions for our review, which we have recast and rephrased as follows:⁴

1. Whether, pursuant to Maryland Rule 2-311(d), the circuit court improperly relied on Appellees’ opposition, which contained facts outside the record without a supporting affidavit, to determine that the Appellees’ attorney had proper authority.
2. Whether, pursuant to Maryland Rule 2-311(f), the circuit court erred in denying Ms. Jackson’s “Objection and Request to Strike Substitution of Party([ies]), Motion to Strike/Quash Garnishment Proceedings and Strike Request to Renew Judgment, and Vacate Judgment” without a hearing.

For the following reasons, we vacate the circuit court’s judgment and remand.

⁴ Ms. Jackson phrased the questions as follows:

1. Did The Circuit Court For Baltimore City Err In Its Denial Of Appellant’s And Appellees’ Request For A Hearing?
2. Did The Circuit Court For Baltimore City Err In Its Failure To Grant Appellant’s Objection To The Substitution Of Party(s), Request To Strike/Quash The Garnishment Proceedings, Strike The Request To Renew Judgment, And Vacate The Pending Judgment?

DISCUSSION

I. THE CIRCUIT COURT IMPROPERLY RELIED ON AN OPPOSITION BASED ON FACTS NOT CONTAINED IN THE RECORD AND NOT SUPPORTED BY AN ACCOMPANYING AFFIDAVIT IN VIOLATION OF MARYLAND RULE 2-311(d).

A. Parties' Arguments

Ms. Jackson first argues that the Appellees' attorney did not have authority to file the renewal of judgment pursuant to Maryland Rule 2-625 because both Mr. Carter and Mr. Smith were deceased. Ms. Jackson cites *Brantley v. Fallston General Hospital Inc.*, 333 Md. 507 (1994) to argue that upon the death of a client, the attorney-client relationship is severed, and an attorney loses the authority to act on behalf of the client. She argues that “[t]here is no verification that the wives of the deceased Plaintiffs were appointed personal representatives of their respective estates,” so because the Appellees were deceased and no personal representatives were substituted, there was not proper “authorization to proceed further in said litigation.” Ms. Jackson relies on Maryland Rule 2-311(d), which states that an affidavit must accompany any “motion that is based on facts not contained in the record.” Md. Rule 2-311(d). Ms. Jackson argues that the renewal of judgment was a motion based on facts not within the record because there was no evidence of authorization of the Appellees' attorney to act, so the renewal of judgment should be vacated. She also argues that because there had been no notice of substitution of parties at the time Appellees' counsel renewed the judgment, the notice of substitution was untimely and should be voided.

Appellees argue that a notice of substitution is not under the purview of Maryland Rule 2-311(d) because that rule governs motions, and a notice of substitution is not a motion. Therefore, Appellees argue, the notice of substitution is not subject to Maryland Rule 2-311(d) and an affidavit is not required.

Appellees also argue that the notice of substitution they filed is not untimely. Appellees point to *Rosebrock* where this Court stated, “[a]s can readily be seen, Rule 2–241 imposes no time requirement for filing a notice of substitution upon the death of a party.” *Rosebrock v. Eastern Shore Emergency Physicians, LLC*, 221 Md. App. 1, 15 (2015). Appellees state that pursuant to Md. Code Ann., Courts and Judicial Proceedings (“CJP”) § 6-401, “a cause of action at law . . . survives the death of either party.” Because there is not a time requirement to file a notice of substitution and because a cause of action does not “die[] along with the death of a Plaintiff,” Appellees argue that counsel can continue after the death of a client by “substituting the real party in interest or by acting on behalf of the deceased party by taking orders through a duly appointed representative (the personal representative).” Appellees state that at the time of the renewal of judgment, appellee Carter was alive, and counsel had the authority of the personal representative of Smith’s estate for the renewal of judgment. Sometime thereafter, an official notice of substitution was filed and because there is not a time limit imposed, Appellees argue, the substitution is valid.

B. Standard of Review

We review questions of law without deference to determine if the trial court was legally correct. *Won Bok Lee v. Won Sun Lee*, 466 Md. 601, 619 (2020) (citations

omitted). Questions of fact are reviewed under a clearly erroneous standard where “[i]f any competent material evidence exists in support of the trial court’s factual findings, those findings cannot be held to be clearly erroneous.” *Shih Ping Li v. Tzu Lee*, 210 Md. App. 73, 96 (2013).

C. Analysis

We begin by discussing the authority of counsel after the death of a client. This Court has held that upon the death of a client and the attorney’s notice of the death, the authority of the agent (*i.e.*, the attorney) ceases. *See Rosebrock*, 221 Md. App. at 12 (“An attorney does not have authority to note an appeal on behalf of a client who has died.” (citing *Brantley* 333 Md. at 511); Restatement (Third) of Law Governing Lawyers § 31(2)(b) (stating that “a lawyer’s actual authority to represent a client ends when . . . the client dies”). *See also Rosebrock*, 221 Md. App. at 13 (holding an attorney’s authority ceases not upon the death of a client but upon the attorney’s notice of the death). While the authority of the attorney may cease, the cause of action persists. CJP § 6-401(a) states in pertinent part, “[A] cause of action at law, whether real, personal, or mixed, survives the death of either party.”

Here, when Appellees’ attorney learned of the death of Mr. Smith, counsel did not have authority to act on behalf Mr. Smith to file the renewal of judgment. Afterwards, once Mr. Carter died in November 2021, and the attorney had notice of the death, counsel did not have authority to act on behalf of either dead client, Mr. Carter or Mr. Smith, for the writ of garnishment. An attorney, however, can establish authority through other means.

After a party to an action dies, an estate can be opened where a personal representative can continue any actions in which the decedent was involved. Pursuant to Md. Code Ann., Estates & Trusts § 7-401(y)(1), “[a] personal representative may prosecute, defend, or submit to arbitration actions, claims, or proceedings in any appropriate jurisdiction for the protection or benefit of the estate, including the commencement of a personal action which the decedent might have commenced or prosecuted[.]” *See also Rosebrock*, 221 Md. App. at 12 (“[T]he only person who may prosecute an action on the decedent’s behalf is the personal representative.”). Here, Appellees allege that the personal representative of the estate of Mr. Smith gave the authority to the attorney to proceed with filing of the renewal of the judgment. Because Mr. Carter was alive at this point, the attorney presumably had authority to act on behalf of Mr. Carter. As for the writ of garnishment, Appellees allege that the personal representatives of both the estate of Mr. Carter and the estate of Mr. Smith authorized the writ of garnishment. Under typical circumstances, a personal representative of an estate has the power to authorize both a renewal of judgment and a writ of garnishment. *Id.* Ms. Jackson, however, argues that the personal representatives were not properly appointed.

Ms. Jackson first argues that because the notice of substitution was not filed at the time of the renewal of judgment and the writ of garnishment, Appellee’s counsel acted without authorization and both proceedings are accordingly nullified.

Maryland Rule 2-241 governs notices of substitutions and does not prescribe a time limit on filing the notice. The rule states in relevant part:

(b) Procedure. Any party to the action, any other person affected by the action, the successors or representatives of the party, or the court *may file a notice* in the action substituting the proper person as a party. The notice shall set forth the reasons for the substitution and, in the case of death, the decedent’s representatives, domicile, and date and place of death if known. The notice shall be served on all parties in accordance with Rule 1-321 and on the substituted party in the manner provided by Rule 2-121, unless the substituted party has previously submitted to the jurisdiction of the court.

Md. Rule 2-241 (emphasis added). Neither Maryland Rule 1-321 nor Maryland Rule 2-121 contain a time limit.⁵

⁵ The Supreme Court of Maryland has held that a notice of “substitution came too late.” *Brantley* 333 Md. at 512 n.4. In *Brantley*, the Court held that at the time the attorney filed the appeal, the attorney’s client had passed away, which terminated the attorney’s authority and because no personal representative was substituted, the appeal was not valid. *Id.* at 512, 515 (“Counsel did not purport to represent a specific successor in interest at the time he noted an appeal. Because he had no standing or authority to appeal at that time, the appeal should have been dismissed.”). The Court did explain that this is likely an unusual situation and stated that “it is somewhat difficult to understand why” a personal representative was not named. *Id.* at 515. The Court explained,

Under ordinary circumstances, the identity of the proper successor in interest for a deceased plaintiff is easily ascertainable, and substitution is readily accomplished. In those cases where there will necessarily be some delay in having a personal representative appointed, anyone, including the attorney who represented the deceased plaintiff, may notify the court of the death of the party. In the typical case, the court will then order a stay of proceedings for a reasonable period of time to permit substitution.

Id.

Additionally, Maryland Rule 1-203 states the various guidelines for computing any period of time. Section (d) states that “all time requirements under these rules . . . shall be extended automatically” upon the death of a party to allow the party to file

(continued)

This Court recently stated that Maryland Rule 2-241, “imposes no time requirement for filing a notice of substitution upon the death of a party.” *Rosebrock*, 221 Md. App. at 15. We explained that even though the appeal was filed after the client died and before the notice of substitution was noted, the appeal was “validly filed.” *Id.* Accordingly, we decline to hold that the notice of substitution was untimely filed.

Additionally, Ms. Jackson argues that the notice of substitution itself is invalid. She argues that the notice’s representations of naming the personal representatives were unsupported by evidence in the record and were made without affidavits in contravention of Maryland Rule 2-311(d). Ms. Jackson argues that without “verification that the wives of the deceased Plaintiffs were appointed personal representatives of their respective estates” and without “affidavit(s) or verification(s) that Appellees’ attorney had been directed to file motions/proceedings and/or represent them as proper parties with authorization to proceed further in said litigation,” Appellees’ counsel “had no authority to file the . . . request to renew judgment and the garnishment.” Ms. Jackson alleges that there “is nothing in the record to establish the authority or authorization of counsel for the deceased Plaintiffs to file pleadings in this case.” Ms. Jackson alleges that in order to comply with Maryland Rule 2-311(d), Appellees must submit an affidavit. Maryland Rule 2-311(d) governs motions and states in relevant part:

(d) Affidavit. A motion or a response to a motion that is based on facts not contained in the record shall be supported

“proper substitution.” Md. Rule 1-203(d). The time requirements under Maryland Rule 1-203 are not at issue in this case.

by affidavit and accompanied by any papers on which it is based.

Ms. Jackson argues that the notice of substitution and the renewal of judgment⁶ required an affidavit under Maryland Rule 2-311(d). We hold, however, that both the notice and the renewal are merely clerical functions of the court—and not motions—so therefore do not need to comply with Maryland Rule 2-311(d), which governs motions.

A motion, however, must comply with Maryland Rule 2-311(d) and requires an affidavit if the content is relying on facts not contained in the record. Here, Ms. Jackson filed a motion in the circuit court objecting to the substitution of parties, the garnishment proceedings, and the renewal of judgment alleging that Appellees' counsel did not have authority from a client to act. Appellees filed an opposition responding to Ms. Jackson's motion. Appellees' opposition asserted that counsel did have authority through the personal representative of Mr. Smith's estate to renew the judgment and to file the writ of garnishment. Appellees asserted that counsel had authority from Mr. Carter to renew the judgment because he was still living at that time, and Appellees seemingly asserted that counsel also had authority from the personal representative of Mr. Carter's estate after his death to file the writ of garnishment. In the opposition, Appellees asserted facts that are not contained in the record, specifically, from whom counsel received authority.

⁶ Maryland Rule 2-625 governs renewals of money judgments, and states:

A money judgment expires 12 years from the date of entry or most recent renewal. At any time before expiration of the judgment, the judgment holder may file a notice of renewal and the clerk shall enter the judgment renewed.

Pursuant to Maryland Rule 2-311(d), “a response to a motion that is based on facts not contained in the record shall be supported by affidavit and accompanied by any papers on which it is based.” Appellees did not attach the required documents to support their assertion.

To be clear, the rule requiring an affidavit applies not to the renewal of the judgment or writ of garnishment, but rather to Appellees’ opposition to Ms. Jackson’s motion. When Ms. Jackson filed a motion challenging the authority of Appellees’ counsel, Appellees responded via motion in an attempt to address any concerns about their counsel’s authority. Maryland Rule 2-311(d) is triggered because it governs responses to motions, and the rule requires that responses to motions based on facts not contained in the record be supported by an affidavit. Here, because Appellees’ opposition relied on facts not included in the court record, as described above, Appellees needed to submit an affidavit (“accompanied by any papers on which it is based”) stating those facts.

The circuit court’s order relied on these unsubstantiated statements. The order stated, “Thelma L. Smith and Vivian A. Carter were properly and promptly appointed as personal representatives respectively of James C. Smith and William W. Carter.” This factual finding that Ms. Smith and Ms. Carter are personal representatives of Mr. Smith’s and Mr. Carter’s estates is not within the record, but for Appellees’ opposition that was submitted without an affidavit in violation of Maryland Rule 2-311(d). Accordingly, the circuit court improperly considered the unsupported statements in Appellees’ opposition.

When reviewing a circuit court’s factual findings, this Court employs a clearly erroneous standard. *Shih Ping Li*, 210 Md. App. at 96. Here, the record before the circuit court did not contain proper evidence of personal representatives authorizing Appellees’ counsel. Because there was no “competent material evidence” that “support[ed] the trial court’s factual findings,” we hold that the factual finding was clearly erroneous. *Id.* To rectify this error, Appellees must submit an affidavit accompanying their response to Ms. Jackson’s motion alleging Appellees’ counsel did not have proper authority.

II. PURSUANT TO MARYLAND RULE 2-311(f), THE CIRCUIT COURT WAS REQUIRED TO HOLD A HEARING BECAUSE IT’S RULING ON THE MOTION TO STRIKE THE GARNISHMENT PROCEEDINGS WAS DISPOSITIVE OF APPELLEES’ CLAIM AND MS. JACKSON’S DEFENSE.

A. Parties’ Arguments

Appellees sought a writ of garnishment against Ms. Jackson pursuant to Maryland Rule 2-646, which governs garnishment proceedings. The rule states in relevant part that a “debtor may file a motion at any time asserting a defense or objection.” Md. Rule 2-646(e). Accordingly, Ms. Jackson subsequently filed a motion to strike the garnishment proceedings and requested a hearing.

Ms. Jackson’s motion asserted a defense against the garnishment, arguing that because the attempt to garnish Ms. Jackson’s wages occurred after Mr. Carter and Mr. Smith were deceased, “the attorney/client relationship terminated” and Appellees’ counsel acted without proper authority. In the attached memorandum of law, Ms. Jackson argued that Appellees failed to timely comply with Maryland Rule 2-241

governing the substitution of parties, and because the attorney-client relationship had ended, the attorney did not have the authority to request a writ of garnishment.

Appellees responded in opposition that the agency relationship between Mr. Carter and counsel had not terminated at the time of the renewal of judgment because Mr. Carter was alive, and the agency relationship between counsel and the personal representative of Mr. Smith's estate was in effect at the time of the renewal of judgment. Appellees argued that the action at law survives the death of either party under CJP § 6-401 and that there is no time limit to file a notice of substitution so “[t]here is no basis to award sanctions or affirmative relief.”

The circuit court did not conduct a hearing and denied Ms. Jackson's motion to strike the garnishment proceedings.

Ms. Jackson now argues on appeal that the circuit court improperly failed to conduct a hearing because the circuit court's order denying the motion disposed of a claim or defense, in contravention of Maryland Rule 2-311(f). The rule governs motions, and states in relevant part:

(a) Generally. An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, and shall set forth the relief or order sought.

* * *

(f) Hearing – Other Motions. A party desiring a hearing on a motion, other than a motion filed pursuant to Rule 2-532, 2-533, or 2-534, shall request the hearing in the motion or response under the heading “Request for Hearing.” The title of the motion or response shall state that a hearing is

requested.^[7] Except when a rule expressly provides for a hearing, the court shall determine in each case whether a hearing will be held, but *the court may not render a decision that is dispositive of a claim or defense* without a hearing if one was requested as provided in this section.

Md. Rule 2-311(a), (f) (emphasis added).

Appellees argue on appeal that Maryland Rule 2-311(f) does not apply because the motions Ms. Jackson filed in conjunction with the request for a hearing are not a claim or defense under the rule. This is because, Appellees argue, a claim or defense must be intrinsic to the underlying cause of action, and here, the cause of action was disposed of in 2009 when the judgment was originally entered. Appellees argue the renewal of judgment and garnishment proceedings are merely a collateral matter. Appellees argue that even if this Court concludes that there is a claim or defense under Maryland Rule 2-311(f), Ms. Jackson did not demonstrate that prejudice has been suffered by the lack of hearing.

B. Standard of Review

The standard for interpreting a Maryland Rule was explained in *Won Bok Lee*,

A court interprets a Maryland Rule by using the same canons of construction that the court uses to interpret a statute. First, the court considers the Rule’s plain language in light of: (1) the scheme to which the Rule belongs; (2) the purpose, aim, or policy of this Court in adopting the Rule; and (3) the presumption that this Court intends the Rules and this Court’s precedent to operate together as a consistent and harmonious body of law. If the Rule’s plain language is unambiguous and clearly consistent with the Rule’s apparent purpose, the court

⁷ Ms. Jackson and Appellees each filed separate documents entitled “Request for Hearing,” but did not include the request in the titles of their respective filings. This issue was not raised on appeal.

applies the Rule’s plain language. Generally, if the Rule’s plain language is ambiguous or not clearly consistent with the Rule’s apparent purpose, the court searches for rulemaking intent in other indicia, including the history of the Rule or other relevant sources intrinsic and extrinsic to the rulemaking process, in light of: (1) the structure of the Rule; (2) how the Rule relates to other laws; (3) the Rule’s general purpose; and (4) the relative rationality and legal effect of various competing constructions.

466 Md. 601 at 618 (citation omitted).

C. Analysis

Pursuant to Maryland Rule 2-311(f), a requested hearing must be provided before a court may grant a motion that is dispositive of a claim or defense. A dispositive ruling of a claim or defense occurs when the court’s “decision is one that conclusively settles a matter.” *Pelletier v. Burson*, 213 Md. App. 284, 292 (2013) (citing *Lowman v. Consolidated Rail Corp.*, 68 Md. App. 64, 76 (1986)). See also *Lowman*, 68 Md. App. at 76 (stating that a court’s ruling can be “dispositive” even if the ruling is not a final judgment). We explained in *Shelton* that “[i]t is not enough to argue that it is the functional equivalent of a dispositive decision or that it lays the inevitable predicate for such a decision.” *Shelton v. Kirson*, 119 Md. App. 325, 330 (1998). After analysis, if we find that a hearing was “warranted” but not performed, “we must remand for further proceedings.” *Seidel v. Panella*, 81 Md. App. 124, 130 (1989).

Stated another way, a ruling is dispositive if it “actually and formally dispose[s] of the claim or defense.” *Shelton*, 119 Md. App. at 330 (stating that a motion that did not seek dismissal of complaint but sought a protective order was not dispositive). In *Lowman*, we found that a trial court’s grant of summary judgment and resulting entry of

judgment in favor of the defendant was dispositive, but the circuit court’s later denial of the plaintiff’s motion for reconsideration of that ruling was not dispositive because it did not conclusively settle the matter. *Lowman*, 68 Md. App. at 75. “By denying the motion for reconsideration, the court merely refused to change its original ruling which had disposed of [plaintiffs]’ claims.” *Id.*

Here, Ms. Jackson’s motion to strike the renewal of judgment functions like the plaintiffs’ motion for reconsideration in *Lowman*—the ruling on which is not dispositive of a claim or defense. The dispositive judgment occurred in 2009 when the circuit court entered a consent judgment in favor of the Appellees against Ms. Jackson. Appellees’ writ of garnishment, however, began a new proceeding that opened the door to new potential dispositive rulings.

A garnishment of wages occurs “[w]hen an attachment is levied against the wages of a judgment debtor” so that “it shall constitute a lien on all attachable wages.” Md. Code Ann., Commercial Law § 15-602. Appellees’ writ of garnishment brought in a third party to the consent judgment: the garnishee, Ms. Jackson’s employer. Pursuant to Maryland Rule 2-646, both the garnishee and the debtor can assert a defense against the garnishment. We hold that a garnishment proceeding is a new “claim,” and a motion to vacate a garnishment proceeding is a “defense” under Maryland Rule 2-311(f). When the circuit court denied the motion to vacate the garnishment proceedings, Ms. Jackson’s wages were immediately garnished. Upon attachment, it “constitute[s] a lien on all [] wages . . . until the judgment . . . [is] satisfied.” Commercial Law § 15-602. Because the circuit court rendered a decision that disposed of Ms. Jackson’s defense to the

garnishment proceedings, the circuit court improperly denied the request for a hearing under Maryland Rule 2-311(f). Accordingly, we remand for a hearing.

CONCLUSION

We hold that the circuit court's order improperly relied on an opposition that violated Maryland Rule 2-311(d) because the opposition contained facts that were not contained in the record without an accompanying affidavit. We also hold that under Maryland Rule 2-311(f), which requires a court to hold a hearing when a ruling is dispositive of a claim or defense, here, the circuit court's ruling on Ms. Jackson's motion to strike the garnishment proceedings was dispositive of Appellees' claim and Ms. Jackson's defense, which required a hearing.

Accordingly, we vacate the judgment of the circuit court and remand.⁸

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY VACATED.
CASE REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION; COSTS TO BE PAID BY
APPELLEES.**

⁸ In light of this opinion, Ms. Jackson's Motion to Stay Garnishment Proceedings is denied as moot.