

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 735

September Term, 2024

LORIANN KNIGHT

v.

JEFFREY B. FISHER, *et al.*

Leahy,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 6, 2025

After Loriann Knight, appellant, defaulted on a deed of trust loan on her home, appellees, acting as substitute trustees, filed a foreclosure action in the Circuit Court for Baltimore City.¹ Ms. Knight’s home was ultimately sold at a foreclosure sale and the circuit court ratified the sale on December 3, 2015. Ms. Knight filed an appeal from the ratification order, which this Court dismissed as untimely on April 13, 2016.

Thereafter appellees filed a Motion for Protective Order, asserting that “[f]rom the inception of the action” appellant had “submitted a series of baseless filings . . . repeatedly raising the same or similar issues,” and that “[n]otwithstanding enrollment of the order of ratification” she was continuing to file similar “baseless challenge[s]” without “an end in sight.” Appellees therefore sought to prohibit appellant from filing any further pleadings challenging the validity of the deed of trust, the validity of the sale, or the ratification of the sale without first obtaining leave from the circuit court. The circuit court granted appellees’ motion, and issued a pre-filing order in July 2016. Ms. Knight attempted to appeal that order, but the circuit court struck her notice of appeal as having been untimely filed. Ms. Knight appealed from the order striking her notice of appeal and we affirmed. *Knight v. Fisher*, No. 1222, Sept. Term 2017 (filed October 3, 2018).

In February 2024, Ms. Knight filed a motion for leave to file a “motion for a new trial and relief from judgments” (motion for leave to file). In support thereof, she claimed that the court had violated her due process rights because it issued the pre-filing order without notice or a hearing. The motion for leave to file did not indicate what claims she

¹ Appellees are Jeffrey B. Fisher and Susan C. Scanlon.

intended to raise in her motion for a new trial, or why, absent the pre-filing order, she would have been successful in vacating the final judgment ratifying the foreclosure sale. The court denied the motion for leave to file on February 28, 2024. Appellant then filed a motion to alter or amend the judgment, reasserting her claim that the pre-filing order had been issued without due process, and also contending that the court had erred in denying her motion for leave to file without a hearing. The court denied the motion to alter or amend on May 14, 2024. This appeal followed. On appeal, appellant contends that the court erred in denying her motion for leave to file, and in not holding a hearing. For the reasons that follow, we shall affirm.

In her motion for leave to file, appellant contended that the pre-filing order was entered without notice or a hearing, thus violating her due process rights.² She further requested that the pre-filing order be vacated, and that she be allowed to file a motion for a new trial. However, the motion for leave to file was filed approximately 9 years after the final judgment ratifying the sale, and approximately 8 years after the pre-filing order was entered. Therefore, to the extent Ms. Knight was attempting to challenge either of those judgments, she could only do so pursuant to Maryland Rule 2-535(b). *Kent Island, LLC v. DiNapoli*, 430 Md. 348, 366 (2013) (noting that after 30 days have passed after the entry of a final judgment, a court may only modify its judgment upon a motion filed pursuant to Rule 2-535(b)). To vacate or modify an enrolled judgment pursuant to Rule 2-535(b), a

² Ms. Knight does not appear to contend that appellees failed to serve her with a copy of the motion for a protective order. Rather, she claims that the court did not hold a hearing on that motion, or give her an opportunity to respond, prior to entering the pre-filing order.

movant must establish the existence of either fraud, mistake, or irregularity. But appellant’s motion for leave to file did not mention Rule 2-535(b). More importantly, none of the claims raised in her motion, even if true, demonstrate the existence of fraud, mistake, or irregularity, as those terms are used in Rule 2-535(b). See generally *Peay v. Barnett*, 236 Md. App. 306, 321 (2018) (“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, in order to ensure finality of judgments.” (quotation marks and citation omitted)). As such, there was no basis for the court to vacate the pre-filing order, or to allow appellant leave to file a motion for a new trial.

Finally, turning to Ms. Knight’s procedural claim, we find no error in the court’s decision to deny her motion for leave to file without a hearing because, even though she requested a hearing, no hearing was required. See *Pelletier v. Burson*, 213 Md. App. 284, 292-93 (2013) (noting that the court is not required to hold a hearing before denying a motion for reconsideration filed more than ten days after the entry of judgment because the denial of such a motion is not dispositive of a claim or defense).

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**