

Circuit Court for Montgomery County
Case No.: C-15-CV-22-001889

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND**

No. 1175

September Term, 2022

ZHONGAN WANG

v.

OAKBROOK MANAGEMENT CO.

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

JJ.

Opinion by Harrell, J.

Filed: June 5, 2023

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

**At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

Appellant, Zhongan Wang, appeals from the dismissal of his complaint filed in the Circuit Court for Montgomery County against Appellee, Oakbrook Management Co. (“Oakbrook”).

For reasons we shall explain, we affirm the judgment of the circuit court.

BACKGROUND

Mr. Wang filed a complaint in the circuit court against Oakbrook, alleging that Oakbrook is “a contract company of Monterey Condominium Association[.]”¹ He alleged further that: 1) Oakbrook committed “professional malpractice” by permitting Matt Potts, a managerial employee of Oakbrook, to enter his property without his permission during the COVID-19 pandemic in breach of “state and federal COVID-19 regulations[.]” 2) Potts ignored reports of a ceiling leak in Mr. Wang’s unit, while fixing ceiling leaks in other owners’ units, and 3) Oakbrook “set a trap to harm [him]” by rendering the railing on his balcony unsafe in breach of “the laws of Maryland and contract between the Monterey Condominium Association, Maryland and [Oakbrook.]”

Oakbrook filed a motion to dismiss the complaint and for attorney’s fees. Mr. Wang responded with Plaintiff’s Opposition to Defendant’s Motion (“Opposition”). At a 1 September 2022 hearing before the circuit court (Salant, J. presiding), Oakbrook argued

¹ Prior to filing suit against Oakbrook, Mr. Wang filed a complaint in the circuit court against Monterey Condominium Association alleging a number of problems with his condominium unit. Monterey filed a motion to dismiss the complaint for failure to state a claim upon which relief could be granted. Following a hearing on 26 April 2022, the circuit court (Storm, J. presiding) granted Monterey’s motion to dismiss, but granted Mr. Wang 15 days to file an amended complaint. He did not file an amended complaint or other pleading. Instead, he filed the present suit against Oakbrook on 12 May 2022.

that Mr. Wang’s complaint failed to articulate a cause of action arising out of the leak in his ceiling and failed to set forth in detail the damages he alleged to have suffered. Mr. Wang responded that the evidence “show[ed] clearly” that “people invaded” his property without his permission during the COVID-19 pandemic and attempted to spread the virus to his home. He stated that he suffered property damage and “psychological suffering, which include[d] punitive damage[s.]” In response to questions from the court, Mr. Wang indicated that he did not contract COVID-19, nor did he fall or suffer an injury in connection with the railing on his balcony.

The court found that Mr. Wang’s complaint did not comply with the Maryland Rules, explaining that the complaint set forth a “narrative of events that happened[,]” but failed to allege an actionable injury or loss for which the court could provide a remedy. The court announced from the Bench its intent to grant, in part, Oakbrook’s motion to dismiss, finding that Mr. Wang had failed to state a claim upon which relief could be granted, but deny Oakbrook’s claim for attorney’s fees. The court would grant, however, Mr. Wang leave to amend the complaint and allege an adequate cause of action within 15 days. If Mr. Wang failed to amend the complaint within 15 days, the complaint would be deemed dismissed with prejudice.

On 6 September 2022, Mr. Wang filed a pleading entitled “The Amended Plaintiff’s Opposition to Defendant’s Motion” (“Amended Opposition”). The same day, the court entered an order entitled, “Proposed Order of Dismissal,” which restated the court’s 1 September oral ruling that Oakbrook’s motion to dismiss was granted and the complaint

was dismissed, but giving Mr. Wang the opportunity to file an adequate amended complaint within 15 days of the order.

On 21 September 2022, Mr. Wang noted this appeal.

STANDARD OF REVIEW

We review for legal correctness a trial court’s decision granting a motion to dismiss for failure to state a claim. *Rounds v. Maryland-Nat’l Cap. Park & Plan. Comm’n*, 441 Md. 621, 635-36 (2015). This Court “must determine whether the Complaint, on its face, discloses a legally sufficient cause of action.” *Scarborough v. Transplant Res. Ctr. of Maryland*, 242 Md. App. 453, 472 (2019) (quotation marks, citation, and emphasis omitted). We “presume[] the truth of all well-pleaded facts in the Complaint, along with any reasonable inferences derived therefrom in a light most favorable to the plaintiffs.” *Id.* (quotation marks and citations omitted). The facts supporting the alleged claims “must be pleaded with sufficient specificity; bald assertions and conclusory statements by the pleader will not suffice.” *RRC Ne., LLC v. BAA Maryland, Inc.*, 413 Md. 638, 644 (2010). We will affirm the court’s decision granting the motion to dismiss if we conclude that the plaintiff could not prevail in the action, even if the facts alleged and any permissible inferences were proven. *Scarborough*, 242 Md. App. at 472.

DISCUSSION

I.

The 1 September 2022 Order Granting the Motion to Dismiss

Mr. Wang argues that he pleaded sufficient facts to support his claims against Oakbrook and that the court erred in dismissing his complaint. Oakbrook responds that

the circuit court did not err in ruling that the complaint failed to state a claim upon which relief could be granted because the facts alleged in the complaint did not support Mr. Wang’s theories of professional malpractice or negligence. Oakbrook contends further that the circuit court did not err in dismissing the case with prejudice because Mr. Wang failed to file an amended complaint.

Mr. Wang’s complaint alleges that Oakbrook breached state and federal COVID-19 laws, specifically, that two people who claimed they were hired by Matt Potts, climbed onto his balcony without his permission and without body temperature checks “against the regulations and laws of . . . Maryland and US[.]” (Emphasis omitted.) We agree with the circuit court’s legal conclusion that any alleged breach of COVID-19 regulations is not a cognizable cause of action in Maryland, and there is no legal relief the court could afford him on his claim.

Mr. Wang’s asserted causes of action for professional malpractice and “malicious trap,” arise from his allegations that Oakbrook failed to repair his ceiling leak and rendered intentionally his balcony railing unsafe. As Oakbrook points out, Mr. Wang failed to allege that Oakbrook owed him a duty to make repairs to his unit. Oakbrook asserts that any duty owed to Mr. Wang was attributable to Monterey Condominium Association, as the council of unit owners, and not Oakbrook, the management company.

“[A] party alleging negligence must prove the existence of a legal duty, a violation of that duty, and that the violation proximately caused the injury for which damages are sought.” *Bd. of Trs., Cmty. Coll. of Baltimore Cnty. v. Patient First Corp.*, 444 Md. 452, 478 (2015) (citing *Schultz v. Bank of Am.*, 413 Md. 15, 27 (2010)). The Maryland

Condominium Act (“MCA”), Maryland Code (1974, 2015 Repl. Vol., 2022 Supp.), § 11-101 *et seq.* of the Real Property Article (“RP”) governs the formation, termination, and management of condominiums in Maryland. RP § 11-108.1 provides that “the council of unit owners is responsible for maintenance, repair, and replacement of the common elements, and each unit owner is responsible for maintenance, repair, and replacement of his unit.” RP § 11-125(e)(1) provides that, in certain circumstances, “[t]he council of unit owners or its authorized designee shall have an irrevocable right and an easement to enter units to investigate damage or make repairs” when necessary.

Mr. Wang’s Complaint does not allege that Oakbrook owed him a legal duty, that any such duty was breached and that he suffered damages as a result, nor does the Complaint set forth facts which, even if proven, would entitle him to relief under the MCA or other applicable law. Based on the alleged facts and claims contained in Mr. Wang’s Complaint, the circuit court did not err in concluding that the Complaint failed to state a claim upon which relief could be granted.

II.

The 6 September 2022 Order of Dismissal

The circuit court granted Mr. Wang leave to file an amended complaint, within 15 days, setting forth sufficient facts to support a legal cause of action. Mr. Wang contends that he submitted an amended complaint. The record shows that Mr. Wang filed a document entitled, “The Amended Plaintiff’s Opposition to Defendant’s Motion.” In the Amended Opposition, Mr. Wang stated that Judge Salant instructed him to “amend the opposition to [the] Motion to Dismiss” and, therefore, “the title of Plaintiff’s Opposition to

Defendant’s Motion has been modified this time.” It appears to us that Mr. Wang misunderstood, to some extent, the court’s directive.

Generally, the title of a pleading is not determinative of whether the document complies with the Maryland Rules. Courts construe the nature of a pleading based upon its substance, rather than its caption. *See Miller v. Mathias*, 428 Md. 419, 442 n.15 (2012) (“[W]hen motions and other pleadings are considered by a trial judge, it is the substance of the pleading that governs its outcome, and not its *form*. In other words, the nature of a motion is determined by the relief it seeks and not by its label or caption.” (quoting *Hill v. Hill*, 118 Md. App. 36, 44 (1997))); *Attorney Grievance Comm’n v. Malone*, 477 Md. 225, 271, n.16 (2022) (construing a motion in limine as a motion for sanctions based upon the nature of the relief requested). An incorrectly styled pleading may nonetheless be acceptable for filing if it satisfies the general requirements of a pleading of its kind. *See, e.g., Osheroff v. Chestnut Lodge, Inc.*, 62 Md. App. 519, 525-26 (1985) (reversing the dismissal of a case where a pleading, though incorrectly titled, substantially complied with the Rules); *Brothers v. Sinai Hosp.*, 63 Md. App. 235, 238-39 (1985) (holding that the circuit court erred in exalting “form over substance” and dismissing a case where an error in the caption of the pleading was not misleading as to the substance of the pleading).

Our comparison of the original Complaint to the Amended Opposition reveals that no substantive or material facts or allegations were added in the Amended Opposition to cure the deficiencies of the original Complaint. Rather, the Amended Opposition mirrored the original Opposition, providing only some additional legal argument as to why the

motion to dismiss should have been denied.² Mr. Wang stated that “[u]nder Maryland Rule 2-303(b), a complaint must state those facts ‘necessary to show the pleader’s entitlement to relief[,]’” and “[w]hether to grant a motion to dismiss ‘depends solely on the adequacy of the plaintiff’s complaint[,]’” (citing *Green v. H&R Block, Inc.*, 355 Md. 488, 501 (1999)). Mr. Wang failed, however, to comply with the court’s order that he include additional facts that would support a legal cause of action. Regardless of the title of Mr. Wang’s amended pleading, if that pleading had contained additional allegations that rehabilitated the errors and omissions in the original Complaint, it would have theoretically the chance to survive the motion to dismiss.

That being the case, however, Oakbrook did not file a subsequent or amended motion to dismiss asserting that Mr. Wang’s Amended Opposition failed to comply with the court’s order, nor did Oakbrook request entry of an order of dismissal with prejudice. Had such a motion been presented to the trial court, it would have been granted presumably. In the limited circumstances of this case, we conclude that no reasonable trial judge would have denied an amended or subsequent motion to dismiss the Amended Opposition as a non-compliant pleading, or entered anything other than an order of dismissal of the action, with prejudice.

In a case such as this, remanding this matter back to the trial court for further proceedings and the entry of a separate order of dismissal would be a pointless exercise in

² In the Amended Opposition, and on appeal, Mr. Wang argues that Oakbrook and the circuit court discriminated against him because he is Asian. On this record, we find no evidence to support Mr. Wang’s allegations of discrimination on the part of Oakbrook or the circuit court.

redundancy and a waste of judicial resources. *See Williams v. Prince George’s Cnty.*, 112 Md. App. 526, 560 (1996) (affirming dismissal entered on a dispositive motion decided without a hearing where “a remand would not present the trial judge with an opportunity to adjudicate any legal issues not already addressed in this opinion”); *accord Morris v. Goodwin*, 230 Md. App. 395, 410-11 (2016) (affirming dismissal of petition where, though court erred in failing to hold a hearing before dismissing the petition, the court noted that the representative lacked standing to file petition in any event).

**JUDGMENT OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**