

Circuit Court for Prince George's County  
Case No. CAL21-11487

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1178

September Term, 2023

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MYRTLE HEADE

v.

BROTHERHEAD HOME IMPROVEMENT

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Leahy,  
Kehoe, S.,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: August 6, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Myrtle Heade, appellant, appeals from an order issued by the Circuit Court for Prince George’s County dismissing her complaint against Brotherhead Home Improvement, appellee, for failure to state a claim upon which relief could be granted. She raises four issues, which reduce to one: whether the court erred in dismissing her complaint.<sup>1</sup> For the reasons that follow, we shall affirm.

In her complaint, which was subsequently amended, appellant listed claims for: “breach of contract,” “abandonment of job,” and punitive damages.” However, the complaint was devoid of any facts supporting those claims other than a single statement that “[t]here are various factors listed on my paperwork - for the reasons for asking for monetary compensation.” She also asked the court to “please see [an] attachment,” but no attachment was included. Following a hearing, the court granted appellee’s motion to dismiss the complaint for failure to state a claim upon which relief could be granted. This appeal followed.

In reviewing a trial court’s grant of a motion to dismiss, appellate courts must decide whether the trial court was “legally correct.” *Litz v. Md. Dep’t of the Env’t*, 446 Md. 254, 264 (2016) (quotation marks and citation omitted). If the dismissal was granted for failure to state a claim under Md. Rule 2-322(b)(2), we must therefore determine, just like the dismissing trial court, whether the complaint discloses on its face a “legally sufficient”

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<sup>1</sup> We note that one of her questions presented is: “Why did the judge not put on the order prejudice or without prejudice?” The effect of failing to specify that dismissal was with or without prejudice is that the dismissal was without prejudice. *See* Maryland Rule 2-506(d) stating, in pertinent part, “[u]nless otherwise specified in the notice of dismissal, stipulation, or order of court, a dismissal is without prejudice[.]”

cause of action. *Torbit v. Baltimore City Police Dep’t*, 231 Md. App. 573, 583 (2017) (quotation marks and citation omitted). In determining the legal sufficiency of the complaint, we limit our review to the allegations contained within the four corners of the relevant complaint. *Litz*, 446 Md. at 264. And we accept as true all facts alleged in the complaint, “as well as any reasonable inferences that may be drawn from those allegations,” so long as they are well-pleaded. *Horridge v. St. Mary’s Cnty. Dep’t of Soc. Servs.*, 382 Md. 170, 175 (2004). Dismissal is proper only if the alleged facts and permissible inferences, viewed in the light most favorable to the plaintiff, would still be insufficient to establish a cause of action. *Bd. of Educ. of Montgomery Cnty. v. Browning*, 333 Md. 281, 286 (1994). To survive a motion to dismiss for failure to state a cause of action, the allegations in the complaint must establish a prima facie case, addressing all the basic elements of the claim for which the plaintiff seeks relief. *Scott v. Jenkins*, 345 Md. 21, 28 (1997) (holding that pleadings must allege facts “sufficient to support each and every element of the asserted claim”).

Important in this case is the requirement that the facts used to establish a cause of action must be pled “with sufficient specificity.” *Bobo v. State*, 346 Md. 706, 708 (1997). “Bald assertions and conclusory statements by the pleader will not suffice.” *Id.* at 708–09. Requiring specific allegations ensures that the defendant has proper notice of the nature of the claims against him, helps to “establish the boundaries of the litigation,” and facilitates “the speedy resolution of frivolous claims.” *Heritage Harbour, LLC v. John J. Reynolds, Inc.*, 143 Md. App. 698, 710 (2002). Here, appellant’s complaint contained no facts at all. And without the facts sufficient to establish the elements of each cause of action, her

complaint failed to state a claim for relief. Consequently, the court did not err in granting appellee’s motion to dismiss.

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