

Circuit Court for Prince George's County  
Case No. CAL21-02916

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1226

September Term, 2022

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PRINCE GEORGE'S COUNTY BOARD OF  
EDUCATION

v.

JUANA PEDROZA RODRIGUEZ, PARENT  
OF MINOR CHILD, J.P.

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Leahy,  
Albright,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 5, 2023

\*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.

\*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.

Juana Pedroza Rodriguez, parent of minor child, J.P., appellee, filed a complaint in the Circuit Court for Prince George’s County against the Prince George’s County Board of Education, appellant. The complaint, which was subsequently amended, raised claims of negligence and negligent supervision based on appellant’s handling of appellee’s minor child at school.

Appellant filed an answer and subsequently filed a motion for summary judgment. Prior to the circuit court ruling on the motion for summary judgment, appellee filed a line of dismissal without prejudice. Appellant did not consent to the dismissal. The clerk subsequently entered a Civil Case Closure Form on the docket, closing the case on the grounds that it had been dismissed without prejudice.

Seven days later, appellant filed a “Motion to Strike Plaintiff’s Line of Dismissal and Opposition to Plaintiff’s Line of Dismissal,” asserting that because an answer had been filed, Maryland Rule 2-506(a) prohibited appellee from voluntarily dismissing her case without a stipulation signed by all parties or leave of the court, neither of which had occurred. The court denied that motion as moot because the case had already been dismissed. This appeal followed. Appellant raises a single issue on appeal: whether the court erred in denying its motion to strike the line of dismissal. For the reasons that follow, we shall reverse the court’s order denying the motion to strike and remand the case to the circuit court with instructions to grant the motion to strike the line of dismissal and reopen the case.

Maryland Rule 2-506(a) provides that a party who has filed a complaint may only voluntarily dismiss a claim without leave of the court if either (1) a notice of dismissal is

filed before the adverse party files an answer, or (2) the party files a stipulation of dismissal signed by all parties to the claim being dismissed. When appellee filed her line of dismissal, appellant had already filed an answer. Moreover, appellant did not sign a stipulation of dismissal or otherwise consent to the dismissal. Therefore, appellee was required to obtain leave of the court before she could dismiss her complaint without prejudice. And the court could only have granted such a request after considering certain factors including: “(1) the non-moving party’s effort and expense in preparing for litigation; (2) excessive delay or lack of diligence on the part of the moving party; (3) sufficiency of explanation of the need for a dismissal without prejudice; and (4) the present stage of the litigation, i.e., whether a motion for summary judgment or other dispositive motion is pending.” *Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 420 (2007).

Here, appellee simply filed a line of dismissal. That line did not address the aforementioned factors or otherwise provide an explanation of the need for a dismissal without prejudice. And there is no indication that the court considered those factors before the case was dismissed. Rather, the dismissal was the result of the clerk entering a Civil Case closure form on the docket. Consequently, appellee should not have been allowed to

dismiss the case without prejudice, and the court erred in denying appellant’s motion to strike the line of dismissal.<sup>1</sup>

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE’S COUNTY  
REVERSED. CASE REMANDED TO THE  
CIRCUIT COURT WITH INSTRUCTIONS  
TO GRANT APPELLANT’S MOTION TO  
STRIKE THE LINE OF DISMISSAL AND  
REOPEN THE CASE. COSTS TO BE PAID  
BY APPELLEE.**

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<sup>1</sup> This opinion is without prejudice to appellee filing a motion for leave to voluntarily dismiss the case without prejudice after the case is reopened. If appellee files such a motion, the court may then consider whether to grant that motion after consideration of the four factors outlined in *Skevofilax* and any other factors it deems relevant.