

Circuit Court for Montgomery County
Case No. C-15-CV-24-001728

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1261

September Term, 2024

CAROLINE ABISOLA OKUTUGA

v.

SHADY GROVE ADVENTIST HOSPITAL, *et*
al.

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

JJ.

PER CURIAM

Filed: March 21, 2025

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

In April 2024, Caroline Okutuga, appellant, filed a complaint against Shady Grove Adventist Hospital (the hospital) and The Family of Victor Abdow, appellees, claiming that Dr. Victor Abdow had stabbed her in the breast with a pen after she “walked inside the hospital from the Ambulance, due to my Emergency.” Thereafter, appellant filed affidavits of service indicating that she had personally served both parties by certified mail. She did not attach a return receipt to either affidavit.

Appellees filed a motion to dismiss, claiming that service of process was insufficient because: (1) they were served by Ms. Okutuga rather than a third party; (2) the writs of summons had not actually been sent by certified mail; (3) the writ of summons to the hospital was not directed to or served on its resident agent; and (4) no return receipts were filed with the court. Appellees also contended that process was insufficient, and that the complaint had failed to name a real party in interest, because Shady Grove Adventist Hospital and The Family of Victor Abdow were not legal entities in Maryland. The court subsequently granted the motion to dismiss without prejudice “as service of process was insufficient, because process was insufficient, and because the plaintiff failed to name a real party in interest.” This appeal followed.

On appeal, Ms. Okutuga generally discusses the merits of her complaint; alleges that there are “[q]uestions of a fact at issue expressed in the terms and circumstances of the case;” and asks this Court to “examine the recordings [that she had] presented[.]” The circuit court, however, did not dismiss Ms. Okutuga’s complaint on the merits. Rather, it determined that service of process was insufficient, that process was insufficient, and that the complaint failed to name a real party in interest. Ms. Okutuga does not contend that

the court erred in dismissing her complaint for these reasons. In fact, she does not address these issues at all in her brief. Consequently, we shall affirm on that basis. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (quotation marks and citation omitted)).

Nevertheless, we note the circuit court did not err in dismissing Ms. Okutuga’s complaint without prejudice. We need not address every reason for the court’s dismissal of the complaint. At a minimum, however, Ms. Okutuga failed to comply with Maryland Rule 2-123(a), which provides that service of process “may be made by a sheriff” or, other than certain exceptions not relevant here, “by a competent private person, 18 years of age or older, including an attorney of record, but not by a party to the action.” Ms. Okutuga was a party to the complaint. And her affidavit of service indicated that she had personally served appellees with process. Consequently, the writs of summons and complaint were not properly served and dismissal was proper.

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