Circuit Court for Montgomery County
Case No. C-15-CV-22-001405

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1535

September Term, 2023

KAREN C. LEE

v.

MAINS HOMEOWNERS ASSOCIATION, INC.

Arthur,
Beachley,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: February 20, 2025

* This is an unreported opinion. It may not be cited as precedent within the rule of stare decisis. It may be cited as persuasive authority only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This case involves a dispute between a homeowner and a homeowner's association. The Circuit Court for Montgomery County awarded the association $3,300.00 in fines imposed for the violation of a covenant and $34,575.00 in attorneys' fees incurred in the protracted efforts to collect the fines. Representing herself (as she did throughout most of the circuit court proceedings), the homeowner appealed. We affirm.

FACTUAL AND PROCEDURAL HISTORY

The parties to this dispute are Dr. Karen Lee and The Mains Homeowners Association. The facts giving rise to the association's claims are clear from the record, but the parties have gravely different characterizations of the trial court proceedings. In Dr. Lee's opinion, they showcase "the worst case of fraud on the court ever happening in the history of American jurisprudence." But, according to the association, the proceedings were adversarial, free of fraud, and properly resolved. The following facts are supplemented in the discussion section as needed.

The Driveway Dispute

Dr. Lee owns a property that is part of The Mains Homeowners Association. Pursuant to the agreements between the association and its members (including Dr. Lee),[1] the association may require an owner to make repairs if it determines that the owner has failed to maintain a lot to the association's standards. An owner's failure to complete the repairs constitutes a covenant violation. The association may commence dispute-

[1] We use the term "agreements" to encompass all declarations, bylaws, resolutions, and other documents governing the relationship between Dr. Lee and the association.

resolution proceedings or engage the courts to compel the completion of any repairs. In the event of any legal proceeding stemming from an owner's default, the prevailing party is entitled to recover its costs and attorneys' fees. Additionally, if an owner's covenant violation is continuing in nature, the association may assess fines, the amount and frequency of which the association determines.

In August 2020, the association determined, and then informed Dr. Lee, that her driveway was stained and that she needed to repair or replace it within thirty days. Dr. Lee told the association she power-washed the driveway, but the association advised her that further repairs were necessary to cure the violation. For various reasons, Dr. Lee requested more time to fix the driveway, and the association granted an extension of a few months. Come May 2021, the association requested that Dr. Lee provide it with proof of a driveway repair contract under which repaving would begin within fifteen days. Dr. Lee testified that she had contacted "dozens of contractors," without success.

After Dr. Lee submitted an unsigned proposal from a contractor, the association commenced dispute-resolution proceedings. The association sent Dr. Lee notice of a covenant violation hearing scheduled for July 2021. Dr. Lee did not attend the hearing because, in her opinion, it was not necessary for her to do after she had sent the association a proposed contract. The association nevertheless held the hearing and, on July 31, 2021, sent Dr. Lee a letter informing her of the outcome. The letter stated that the association would impose an initial fine of $100 on September 1, 2021. The letter went on to say:

> [I]f you continue to fail to abate the violation, on October 1 you will be assessed a fine of $200. On November 1, you will be assessed a fine of $300, and this will continue the first day of every following month until the violation is abated.

The Legal Proceedings

On April 1, 2022, the driveway remained unrepaired, so the association filed a complaint to require Dr. Lee to replace the driveway and to recover the accrued fines and attorneys' fees. The association moved for summary judgment on September 6, 2022. While the motion was pending, Dr. Lee had her driveway repaired.

In December of 2022, just before a scheduled hearing on the association's summary judgment motion, Dr. Lee engaged an attorney. At Dr. Lee's request, the court postponed the hearing until February of 2023. The court ultimately denied the motion, sending the case to trial.

The trial began on February 16, 2023. That morning, the tension between Dr. Lee and her attorney was apparent. According to Dr. Lee, her attorney, who had unsuccessfully moved to withdraw, was unwilling to present the case exactly as she wanted.[2]

Before opening statements, the trial judge requested an in-chambers meeting with both attorneys to discuss the background and posture of the case. Upon returning to the

---

[2] In her brief, Dr. Lee asserts that the attorney did not follow her "initial instruction to read [her] detailed fact-intensive defense." Later, she faults the attorney, in her words, for "(a) incorrect reliance on outdated placeholder filing; (b) ongoing noncompliance with [her] initial instruction to simply read updated and detailed facts and arguments; (c) refusal to answer questions and/or to take corrective action; (d)

bench, the trial judge recessed the proceedings to allow Dr. Lee time to decide whether she would continue with her attorney or would represent herself. She opted to continue with counsel, and as the association presented its case, her attorney actively participated by raising objections and cross-examining the association's witnesses. Because of time constraints, the trial judge scheduled a second day of trial for June of 2023.

In March of 2023, Dr. Lee's attorney moved to withdraw once again. The administrative judge of the circuit court granted the motion. The order granting the motion contained the warning, required by Maryland Rule 2-132(c), that if new counsel had not entered an appearance within fifteen days after service of the notice, the absence of counsel would not be grounds for a continuance.

The order allowing counsel to withdraw prompted Dr. Lee to file a flurry of self-authored motions, including those requesting recusal, a mistrial, reconsideration of the order allowing counsel to withdraw, and a continuance of the second trial date.

In May of 2023, the trial judge held a virtual hearing, at which she ruled only on the continuance request. The judge postponed the trial until August of 2023, but made clear that the trial would proceed regardless of whether Dr. Lee obtained new counsel.

intentionally subjecting [her] to unnecessary risks of trial without [her] complete defense." (Footnote omitted.)

Dr. Lee later testified that she had sought the representation of hundreds of attorneys, to no avail. She filed numerous requests to postpone the August trial.

When the trial resumed in August of 2023, the trial judge allowed Dr. Lee to voice her concerns on the record. Representing herself, Dr. Lee vehemently argued for nearly one hour that all of the prior proceedings were fraudulent and void and that all her pending motions required immediate responses. The trial judge asked Dr. Lee to explain how her accusations amounted to fraud. Dr. Lee responded largely with opinion-based, conclusory statements. The court was unpersuaded by Dr. Lee's arguments, and the case proceeded to trial.

At the conclusion of trial, the judge found that Dr. Lee had violated the association's lot-maintenance covenant and that engaging in dispute-resolution proceedings was a legitimate business decision made by the association in accordance with the HOA agreement. The trial judge determined that the association was entitled to the fines and attorneys' fees, but she pointed out an ambiguity in the association's imposition of the continuing fine.[3] She resolved the ambiguity in Dr. Lee's favor,

---

[3] In its letter of July 31, 2021, the association asserted that if Dr. Lee had not completed the repairs, it would impose a fine of $100.00 on September 1, 2021, $200.00 on October 1, 2021, and $300.00 on November 1, 2021, and that "*this* will continue the first day of every following month until the violation is abated." (Emphasis added.) In the court's view, the letter was unclear about whether the word "this" meant that the fines would continue to increase by $100.00 every month after November 1, 2021, or whether they would remain at the $300.00 level. Strictly construing the letter against the drafter, the association, the court found that the fines would remain at the level of $300.00 per month if the violation continued after November 1, 2021.

calculating the total fine owed as $3,300.00.[4] In valuing the award of attorneys' fees, the trial judge reviewed the fee statements submitted by the association's attorneys and considered the reasonableness of each entry. She discarded unrelated charges, lowered unreasonable charges, and—giving the association's attorneys credit for the inordinate amount of work required—awarded the association $34,575.00 in attorneys' fees.

Dr. Lee filed numerous post-judgment motions, including a motion to alter the judgment. The court denied Dr. Lee's motions. This timely appeal followed.

QUESTIONS PRESENTED

Dr. Lee has posed one, multi-part question.[5] We have rephrased the question in the interest of concision and clarity by distilling the arguments in her brief:

1. Did the association's counsel or Dr. Lee's former counsel commit "fraud on the court"?

2. Did the trial court abuse its discretion in denying Dr. Lee's request for a continuance?

---

[4] The record indicates that the judge first calculated the total fine to be $3,600.00. However, the trial judge imposed a fine of only $3,300.00 when concluding her ruling. Neither party challenged this discrepancy at trial or on appeal.

[5] Dr. Lee, formulates her questions as follows: "did trial court commit structural errors warranting automatic reversal due to

1. Fraud on the court – failure to respond to serious professional misconduct;

2. Violation(s) of my constitutional due process rights; and/or

3. Failure(s) to correctly apply the law[.]"

3. Did the court err or abuse its discretion in denying Dr. Lee's motions for recusal or reassignment?

4. Did the court err in denying Dr. Lee's motions without conducting a hearing?[6]

For the reasons set forth below, we answer each question in the negative and affirm the judgment.

DISCUSSION

I. Fraud on the Court

Dr. Lee argues that before and during the February 2023 proceedings her former attorney and the association's counsel committed "fraud on the court," which, she says, invalidated all subsequent proceedings and rulings.

The term "fraud on the court" stems from federal law, specifically from the application of Rule 60(d)(3) of the Federal Rules of Civil Procedure, which is part of a larger rule giving federal courts the power to set aside enrolled judgments.[7] When Maryland courts have mentioned the topic of "fraud on the court," they have typically

[6] On a number of occasions, Dr. Lee refers, parenthetically, to clearly erroneous factfinding by the circuit court. Her brief, however, identifies no specific instances of erroneous factfinding. Nor does the brief contain any argument on that subject. Maryland Rule 8-504(a)(6) requires a brief to contain "[a]rgument in support of the party's position on each issue." "[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal." *Klauenberg v. State*, 355 Md. 528, 552 (1999).

[7] Federal Rule 60(b) enumerates other grounds for relief from enrolled judgments. *Facey v. Facey*, 249 Md. App. 584, 615 n.11 (2021). A court's revisory power under Maryland Rule 2-535(b), our analog to Federal Rule 60, is more limited than that granted to the federal courts by Federal Rule 60(b) and (d). *Id.*

done so in cases involving collateral attacks on enrolled judgments under Maryland Rule 2-535(b)—i.e., in cases in which a party alleges fraud, mistake, or irregularity as a basis to set aside a judgment months or even years after it was entered. *See Facey v. Facey*, 249 Md. App. 584, 615 n.11 (2021).[8]

Because this case involves a direct appeal rather than a collateral attack on an enrolled judgment, one might question how or whether the concept of "fraud on the court" would even apply here. But even if it did apply, the fraud in question must be "extrinsic" rather than "intrinsic" in order to justify setting aside a judgment. *See, e.g.*, *Pelletier v. Burson*, 213 Md. App. 284, 290-91 (2013); *Jones v. Rosenberg*, 178 Md. App. 54, 72-73 (2008). Dr. Lee does not allege extrinsic fraud.

"Extrinsic fraud *perpetrates an abuse of judicial process by preventing an adversarial trial and/or impacting the jurisdiction of the court*." *Facey v. Facey*, 249 Md. App. at 632 (emphasis in original). "Fraud prevents an adversarial trial when it keeps a party ignorant of the action and prevents them from presenting their case . . . the fraud prevents the actual dispute from being submitted to the fact finder at all. *Id.* (citations omitted). "Extrinsic fraud can involve a false promise of compromise, or an attorney who fraudulently or without authority assumes to represent a party and connives at their defeat[.]" *Id.* "Cases in which federal courts exercise their revisory power as a result of 'fraud on the court' are 'typically confined to the most egregious cases, such as

[8] Under Maryland law, a judgment becomes enrolled 30 days after its entry. *See, e.g.*, *Thacker v. Hale*, 146 Md. App. 203, 212 (2002).

bribery of a judge or juror, or improper influence exerted on the court by an attorney, in which the integrity of the court and its ability to function impartially is directly impinged.'" *Id.* at 615 n.11 (quoting *Great Coastal Exp., Inc. v. Int'l Brotherhood of Teamsters*, 675 F.2d 1349, 1356 (4th Cir. 1982)).

"Intrinsic fraud," by contrast, "*relates to facts that were before the court in the original suit and could have been raised or exposed at the trial level*." *Id.* at 633 (emphasis in original). "If a party could have discovered the fraud, but 'by reason of its own neglect' it failed to exercise the 'care in the preparation of the case as was required of it,' the fraud will be intrinsic." *Id.* (quoting *Md. Steel Co. of Sparrows Point v. Marney*, 91 Md. 360, 371 (1900)).

"'The burden of proof in establishing fraud, mistake, or irregularity is clear and convincing evidence.'" *Id.* at 601 (quoting *Jones v. Rosenberg*, 178 Md. App. at 72).

Dr. Lee offers four occurrences that she believes establish fraud on the court. First, she claims that her former attorney and the association's counsel lied to the trial court, in ways that she does not specify, and violated the rules of professional conduct. She also claims that her former attorney subjected her to the risks of trial by not heeding her settlement instructions and by relying on an outdated, less-detailed version of her facts and arguments.[9] Dr. Lee maintains that fraud occurred when her former attorney, the association's counsel, and the trial judge left the judge's chambers "smiling (if not

[9] Dr. Lee does not square her complaints about her trial counsel with her unsuccessful effort to persuade the court to reconsider its order allowing him to withdraw from the case.

laughing)." Finally, she asserts that fraud occurred when the trial judge "force[d] [her] to choose between proceeding with trial either (i) *pro se*, . . . or (ii) with counsel," who, she believed, had already engaged in misconduct.

Dr. Lee has not provided clear and convincing evidence that any of these alleged events hampered the judicial process by preventing an adversarial trial or stripping the circuit court of jurisdiction—i.e., she has not demonstrated that any of these alleged events amount to extrinsic fraud. Dr. Lee was represented by counsel on the first day of trial, and her attorney actively advocated for her position and examined witnesses as the association presented its case. Dr. Lee was then afforded an enormous amount of leeway on the second day of trial, at which she represented herself. Dr. Lee was allowed to express her concerns on the record, she testified as a fact witness on her own behalf, she succeeded in having all her exhibits accepted into evidence, and she was given time for a closing argument. The court construed an ambiguous document in Dr. Lee's favor in order to limit her financial exposure and carefully reviewed and discounted the association's claim for attorneys' fees. Though Dr. Lee may feel that her ability to represent herself was curtailed or stifled by the association's objections and the trial judge's instructions, the trial court ultimately heard both parties' arguments and conducted the proceedings fairly and in accordance with the rules of evidence and of civil procedure.

Dr. Lee implores this Court to accept as true her version of events and her belief that those events amount to extrinsic fraud. Although these events certainly affected Dr.

Lee's perception of the legal process, there is no evidence that Dr. Lee was deprived of the ability to participate in the trial. Moreover, none of these events is comparable to the intentional and flagrant behavior that courts have previously said constitute extrinsic fraud. Dr. Lee's accusations, without proof that they prevented the court from truly hearing the dispute, cannot, and do not, amount to extrinsic fraud to invalidate the proceedings, rulings, or judgment. Thus, the court did not err or abuse its discretion in rejecting Dr. Lee's contentions about fraud on the court.[10]

II. Denial of Continuance

After obtaining a continuance of the May trial date (despite a warning that her failure to obtain counsel would not justify a continuance), Dr. Lee made three additional requests for another continuance. She challenges the court's decision to deny another continuance.

Maryland Rule 2-508 provides that, "[o]n motion of any party or on its own initiative, the court may continue or postpone a trial or other proceeding as justice may require." "The decision whether to grant a request for continuance is committed to the sound discretion of the court." *Abeokuto v. State*, 391 Md. 289, 329 (2006). "Generally,

[10] Dr. Lee complains that she requested a hearing on her motion to alter the judgment, but that the court failed to conduct one. Her complaint has no merit, because she was not entitled to a hearing. Maryland Rule 2-311(f) states that a court may not "render a decision that is dispositive of a claim or defense without a hearing if one was requested as provided in this section." But "[t]he denial of a motion to alter or amend or a motion to revise is not a dispositive motion and therefore, requires no hearing even if one was requested." *Llanten v. Cedar Ridge Counseling Ctrs., LLC*, 214 Md. App. 164, 178 (2013).

an appellate court will not disturb a ruling on a motion to continue 'unless [discretion is] arbitrarily or prejudicially exercised.'" *Neustadter v. Holy Cross Hosp*., 418 Md. 231, 241 (2011) (quoting *Dart Drug Corp. v. Hechinger Co*., 272 Md. 15, 28 (1974)).

The court did not abuse its discretion in this case. The court had already postponed the case once at Dr. Lee's request. Dr. Lee had had more than four months to engage counsel, and she had been warned that her failure to engage counsel would not justify a postponement. Dr. Lee had more than an adequate amount of time to prepare for a trial in this rather straightforward case about whether the association had properly imposed fines on her for violating a covenant. The association and its lawyers and witnesses were ready for trial even if Dr. Lee was not. And one could say that it was actually in Dr. Lee's interest *not* to postpone the trial, because a postponement would only result in an increase in the association's attorneys' fees, which Dr. Lee would be obligated to pay if the association were the prevailing party.

III. Recusal and Reassignment

Dr. Lee filed numerous motions and addenda requesting judicial recusal and judicial reassignment. She challenges the court's denial of those motions.

Dr. Lee claims that the trial judge had an inherent conflict of interest after the February trial date when the judge refused to take some unspecified "corrective action" after the judge, in Dr. Lee's opinion, permitted her former attorney and the association's counsel to engage in "fraud on the court." Dr. Lee also claims that it was improper for

the trial judge to exclude her from the pre-trial meeting in chambers, from which the attorneys allegedly "emerged smiling (if not laughing)."

"'[T]here is a strong presumption in Maryland . . . that judges are impartial participants in the legal process[.]'" *Matter of Russell*, 464 Md. 390, 403 (2019) (quoting *Jefferson-El v. State*, 330 Md. 99, 107 (1993)). To overcome this presumption, the party requesting recusal "'bears the 'heavy burden'" of proving that the trial judge has a personal bias or prejudice against the movant, or personal knowledge of disputed evidentiary facts. *Attorney Grievance Comm'n v. Blum*, 373 Md. 275, 297 (2003) (quoting *Attorney Grievance Comm'n v. Shaw*, 363 Md. 1, 11 (2001)); *see Jefferson-El v. State*, 330 Md. at 107. The bias, prejudice, or knowledge must come from an extrajudicial source; information gathered from filings, and opinions formed during trial, do not give rise to "personal bias." *See, e.g.*, *Jefferson-El v. State*, 330 Md. at 107. A judge's "'duty to preside when qualified is as strong as [the] duty to refrain from presiding when not qualified.'" *Matter of Russell*, 464 Md. at 403 (quoting *Jefferson-El v. State*, 330 Md. at 107). The recusal decision "is discretionary," "and the exercise of that discretion will not be overturned except for abuse." *Jefferson-El v. State*, 330 Md. at 107.

In this case, the record does not support Dr. Lee's position that the trial judge should have recused herself. The trial judge disclaimed any extrajudicial knowledge of the dispute. In response to Dr. Lee's concern that she was excluded from the pre-trial meeting in chambers, the trial judge advised Dr. Lee that such meetings are part of the

judge's normal procedure, particularly when the judge is unfamiliar with a newly-assigned case. The judge explained that she had no recollection of the conversation that may have caused the attorneys to smile or laugh, and she posited that it could have been about anything—perhaps something as simple as the weather. The trial judge also assured Dr. Lee that "no conversation in chambers or anywhere thereafter changed [her] opinion about this case." Moreover, the record discloses no sign that the judge had any extrajudicial relationship with either party, no indication that the trial judge harbored personal bias, prejudice, or animosity toward Dr. Lee, and no reason to believe that the judge's assurances lacked good faith. If the court was sometimes curt or exasperated, as Dr. Lee suggests, it was probably because of its study of Dr. Lee's many, lengthy filings and because of Dr. Lee's conduct, which sometimes could reasonably be viewed as obstructionist.

Dr. Lee has demonstrated only that she and the trial judge disagreed about whether and how the trial should proceed. She has not provided evidence that the trial judge's impartiality was, in any way, objectively compromised. On the contrary, the record reflects a trial judge who was both fair and patient and who conducted herself in an exemplary fashion in difficult circumstances. The court did not abuse its discretion in denying the recusal motion.

In addition to requesting recusal, Dr. Lee moved that her case be reassigned to the judge who presided over the summary judgment hearing. She argues that it was improper for the trial judge to rule on her motion requesting reassignment.

In the circuit court, Dr. Lee cited no authority for her motion; in this Court, she relies on Maryland Rule 3-505(a), which states that "[a] party who believes that a fair and impartial trial cannot be had before the judge to whom the action has been assigned may request that judge's recusal."

Rule 3-505(a) is part of Title 3 of the Maryland Rules, which apply to civil proceedings in the District Court of Maryland. Rule 3-505(a) has no bearing on civil proceedings in a circuit court, such as the proceeding in this case. Rule 2-505(a), the cognate provision in the rules that apply to the circuit courts, does not mention reassignment; it authorizes the removal of certain cases to another county if a party "cannot receive a fair and impartial trial in the county in which the action is pending" or if "all the judges of the court of any county are disqualified to sit by the provisions of the Maryland Constitution."

In short, the rules governing the circuit courts contain no provision authorizing a party to move that a case be reassigned to another judge of the circuit court. To the extent that Dr. Lee's motion for reassignment differs from her motion for recusal, the circuit court did not err or abuse its discretion in denying the motion.

IV. Failure to Conduct a Hearing

Dr. Lee moved to dismiss the association's claims for fines and attorneys' fees in May of 2023. She filed numerous addenda-like responses to the association's opposition to her motion, and she ultimately moved for reconsideration after the trial court denied the motion to dismiss. According to Dr. Lee, the association's claims should have been

dismissed with prejudice for various reasons: (1) she abated the driveway covenant violation, (2) the association (allegedly) agreed during settlement negotiations to waive the accrued fines, (3) all of the association's attorneys' fees were unreasonable on account of unfair proceedings and professional misconduct, and (4) numerous instances of "fraud on the court" corrupted the proceedings.[11] On appeal, Dr. Lee objects that the court denied her motions without a hearing, which, according to Dr. Lee, she explicitly requested.

Dr. Lee argues that, before the trial court could rule on the dismissal motion, the court was required to conduct a hearing. She relies on Maryland Rule 2-311(f), which states that "the court may not render a decision that is dispositive of a claim or defense without a hearing if one was requested as provided in this section."

"For a decision to be deemed dispositive of a claim or defense within the contemplation of Rule 2-311(f), it must actually and formally dispose of the claim or defense." *Shelton v. Kirson*, 119 Md. App. 325, 330 (1998); *accord Logan v. LSP Mktg. Corp.*, 196 Md. App. 684, 696 (2010); *see also Dispositive*, BLACK'S LAW DICTIONARY (12th ed. 2024) ("bringing about a final determination"). Thus, a dispositive decision is one that "conclusively settles a matter" (*Wilson v. N.B.S., Inc.*, 130 Md. App. 430, 452 (2000)) and leaves no contemplation for litigation over the dissolved claims or defenses

[11] The alleged events include being "subject" to self-representation at trial, the attorneys' failure to settle the dispute, the pre-trial chambers meeting in February, and the allegedly abusive and fraudulent litigation and professional misconduct by the association's counsel.

that were "intrinsic to the underlying cause of action." *Karl v. Blue Cross & Blue Shield of Maryland, Inc.*, 100 Md. App. 743, 746 (1994).

A motion to dismiss is a motion that, "if granted, would be dispositive." *Karl v. Blue Cross & Blue Shield of Maryland, Inc.*, 100 Md. App. at 747. The denial of a motion to dismiss, however, is not "dispositive" of a claim or defense—the denial of the motion does not "conclusively settle" the viability of the claim or defense; rather, it leaves the viability of the claim or defense open for further adjudication. *See Logan v. LSP Mktg. Corp.*, 196 Md. App. at 697-98; *see also* Paul V. Niemeyer & Linda M. Schuett, *Maryland Rules Commentary* 352 (6th ed. 2024) ("[n]otwithstanding that the moving party requests relief that is dispositive of a claim or defense, the court need not grant a hearing if the ruling falls short of such disposition[]"). If a court determines that the proper resolution of a motion will not involve the disposition of a claim or defense, as when the court determines that the proper resolution of a motion to dismiss is to deny it, the judge may order that disposition and cancel the hearing. *See Phillips v. Venker*, 316 Md. 212, 219 n.2 (1989). The court, therefore, did not err in denying Dr. Lee's motions to dismiss without a hearing.

In any event, because Dr. Lee's motions to dismiss did not comply with the substantive requirements of the Maryland Rules, the court was within its rights to deny them without a hearing, as it did. On June 26, 2023, a judge other than the trial judge denied a motion to dismiss (and several other motions) because of Dr. Lee's failure to support her factual assertions with an affidavit, as required by Maryland Rule 2-311(d).

On July 26, 2023, a second judge other than the trial judge denied what Dr. Lee called her "3rd addendum" to her motion to dismiss, which also failed to comply with the affidavit requirement of Maryland Rule 2-311(d). Dr. Lee was not entitled to hearings on motions that depended on factual assertions that were not properly before the court. *See Scully v. Tauber*, 138 Md. App. 423, 431 (2001).[12]

CONCLUSION

Dr. Lee's attempts to overturn the circuit court's conclusions and judgment lack merit. The record does not support Dr. Lee's beliefs that anyone engaged in fraud and deprived her of a fair trial or that the trial court erred or abused its discretion when proceeding with trial or ruling on her motions. And, though Dr. Lee may, and is entitled to, disagree, the trial judge made no factual, legal, or discretionary errors requiring the vacatur or reversal of the circuit court's judgment.[13]

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

[12] In addition to complaining that the court denied her nondispositive motions without a hearing, Dr. Lee complains that the court failed to rule on several of her motions. In view of the court's disposition of the case, we infer that if the court failed to rule on any of Dr. Lee's various motions, it denied them by implication. *See Frase v. Barnhart*, 379 Md. 100, 116 (2003).

[13] Throughout her brief, Dr. Lee repeatedly asserts that the proceedings in the circuit court deprived her of her federal constitutional right to due process of law. Because we discern no error or abuse of discretion, we discern no violation of Dr. Lee's constitutional rights.