

Circuit Court for Baltimore City
Case No.: 24-C-22-004900

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 288

September Term, 2023

COLEMAN M. HOLLEY, SR.

v.

THE NEW BOARD OF
SCHOOL COMMISSIONERS, *et al.*

Wells, C.J.,
Zic,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 7, 2023

*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.

Coleman M. Holley, Sr., appellant, owns Best Properties, LLC. Best Properties owns a parcel of real property in Baltimore City. On that property is a parking lot that Best Properties granted Holley a license to operate. In 2022, Holley, in his individual capacity, sued the New Board of School Commissioners and the Mayor and City Council of Baltimore, appellees, in the Circuit Court for Baltimore City alleging trespass onto Best Properties’ property. The City and Board moved to dismiss the complaint, in part, because Holley lacked standing to sue on behalf of Best Properties. The circuit court granted the motions and dismissed the case without prejudice. This appeal followed.

We review a circuit court’s decision to grant a motion to dismiss *de novo*. *Elsberry v. Stanley Martin Companies, LLC*, 482 Md. 159, 178 (2022). We may affirm the grant of a motion to dismiss “on any ground adequately shown by the record, whether or not relied upon by the trial court.” *Gomez v. Jackson Hewitt, Inc.*, 427 Md. 128, 142 (2012) (cleaned up).

To establish standing, a plaintiff must show that they are “entitled to invoke the judicial process in a particular instance[.]” *Pizza di Joey, LLC v. Mayor of Baltimore*, 470 Md. 308, 343 (2020) (cleaned up). “Under Maryland common law, standing to bring a judicial action generally depends on whether one is aggrieved, which means whether a plaintiff has an interest such that [they are] personally and specifically affected in a way different from the public generally.” *Id.* (cleaned up).

In the context of a trespass, only the property’s owner is “aggrieved.” This flows from the elements of the claim, which are: “(1) a physical act or force against *an individual’s property*; (2) executed without *the property owner’s* consent; [(3)] which

interferes with *a possessory interest* in that property.” *Ford v. Baltimore City Sheriff’s Office*, 149 Md. App. 107, 129 (2002) (emphasis added). Here, because Best Properties owned the property at issue, only it had standing to bring a claim of trespass. And even though Holley may own Best Properties, he is not permitted to sue in his individual capacity on the entity’s behalf. See *Danielewicz v. Arnold*, 137 Md. App. 601, 616 (2001). Similarly, Holley’s claim that he was granted a license to operate the parking lot on the property does not confer standing to sue for trespass. A license “is merely a privilege to do some particular act or series of acts on land without possessing any estate or interest therein.” *Uthus v. Valley Mill Camp, Inc.*, 472 Md. 378, 389 (2021) (cleaned up). Accordingly, Holley lacked standing to bring a claim for trespass of Best Properties’ property, and the circuit court did not err in dismissing his complaint.

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**