

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1529

September Term, 2015

RICHARD E. LOWRY

v.

DORIS V. LOWRY

Krauser, C.J.
Graeff,
Nazarian

JJ.

PER CURIAM

Filed: December 12, 2016

*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.

Richard Lowry, appellant, filed a motion to amend alimony in the Circuit Court for Carroll County. After a hearing, the Magistrate recommended denying the motion, and appellant filed exceptions to the Magistrate’s recommendations. The circuit court ultimately adopted the recommendations of the Magistrate and denied appellant’s motion to amend alimony. Appellant then filed a motion for reconsideration and request for hearing, which was denied. In this appeal, appellant’s claim of error is two-fold: 1) the court erred by denying his motion for reconsideration without a hearing; and 2) the court abused its discretion in denying his motion on the merits. Neither argument has merit.

First, appellant erroneously relies on Maryland Rule 2-311(f), which states that a court “may not render a decision that is dispositive of a claim or defense without a hearing if one was requested[.]” *Id.* This rule is inapplicable in appellant’s case because the court’s denial of his motion for reconsideration was not “dispositive” of his claim; rather, the dispositive action was the court’s initial judgment denying his motions to amend alimony and reconsider the Magistrate’s recommendation. *See Lowman v. Consolidated Rail Corp.*, 68 Md. App. 64, 75 (1986) (“By denying the motion for reconsideration, the court merely refused to change its original ruling which had disposed of appellants’ claims. That ruling was not ‘dispositive of a claim or defense,’ and thus no hearing was mandated under Rule 2-311(f) even though a hearing was requested.”).

Second, appellant’s motion for reconsideration was based entirely on a series of alleged health problems he suffered after the court held the exceptions hearing. None of this “evidence” was presented to the court before it entered its initial judgment. Moreover, appellant did argue, at both hearings, that his deteriorating health and subsequent medical

issues rendered his current alimony obligation inequitable. Neither the Magistrate nor the court found this to be significant enough to alter appellant's alimony obligation. Thus, the court did not abuse its discretion in denying Mr. Lowry's motion for reconsideration, as there was little, if anything, for the court to reconsider. *See Schlotzhauer v. Morton*, 224 Md. App. 72, 85 (2015) ("When a party requests that a court consider a ruling solely because of new arguments that the party could have raised before the court ruled, the court has almost limitless discretion not to consider those argument[s].").

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