

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 5

September Term, 2025

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YISEHAK D. SAMAGE

v.

SABITA H. HASSEN

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Graeff,  
Berger,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: January 26, 2026

\*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.

Yisehak D. Samage, appellant, appeals from an order, issued by the Circuit Court for Baltimore County, dismissing with prejudice his complaint for breach of contract against Sabita H. Hassen, appellee. He raises six issues on appeal, which reduce to three: (1) whether the court erred in denying his request for an Order of Default; (2) whether the court erred in granting the motion to dismiss on the merits; and (3) whether the court erred by not holding a hearing on both his request for an Order of Default and the motion to dismiss. For the reasons that follow, we shall affirm.

In August 2024, appellee filed a complaint in the Circuit Court for Anne Arundel County, alleging that she and appellant were divorced, but still co-owned property located in Glen Burnie. Appellee further alleged that, following the divorce, appellant had excluded her from the property, refused to purchase her interest in the property, and refused to cooperate in selling the property. She therefore requested the court to order a sale in lieu of partition, to award her the right to immediate possession of the property, and to quiet title the property. On October 8, 2024, appellant filed a counterclaim for breach of contract, claiming that appellee owed him \$73,157.20 for unpaid monthly mortgage and maintenance costs on the property, plus interest.<sup>1</sup>

In December 2024, appellant also filed a complaint for breach of contract against appellee in the Circuit Court for Baltimore County. That complaint similarly sought compensatory damages based on appellee’s alleged failure to pay the mortgage on the property. Appellee was served with a copy of the summons and complaint on December

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<sup>1</sup> Appellant filed an amended counterclaim in May 2025.

26, 2024. On January 27, 2025, appellee filed a motion to dismiss, or in the alternative to transfer venue. In that motion, appellee alleged that the court lacked jurisdiction to hear the complaint because appellant had raised the same issue in his counterclaim in the Anne Arundel County case. Appellee further asserted that venue was improper because the property was in Anne Arundel County.

On January 29, 2025, appellant filed a Request for Order of Default, which the court subsequently denied without a hearing. On January 30, 2025, appellant also filed an opposition to the motion to dismiss, alleging that: (1) the motion was untimely, and (2) the Anne Arundel case was “quit[e] different” because the instant case involved a claim for breach of contract, rather than a “defense response[] against [a] Partition Sale civil case[.]” The court subsequently granted the motion to dismiss without a hearing. This appeal followed.

Appellant first contends that the court erred in not granting his request for an Order of Default because appellee failed to file a timely answer. We disagree. Because appellee was served with the summons and complaint on December 26, 2024, she would normally have had 30 days, or until January 25, 2025, to file an answer. However, because January 25, 2025, was a Saturday, the time for appellant to file an answer was extended to Monday January 27, 2025. *See* Maryland Rule 1-203(a)(1) (providing that in “computing any period of time prescribed” in the Rules, if the last day of the period computed is “a Saturday, Sunday, or holiday” “the period runs until the end of the next day that is not a Saturday, Sunday, or holiday”). To be sure, appellee did not file an answer on that date. However, she did file her motion to dismiss pursuant to Maryland Rule 2-322. And when

a timely motion to dismiss is filed pursuant to that Rule, as occurred here, “the time for filing an answer is extended without special order to 15 days after entry of the court’s order on the motion[.]” Maryland Rule 2-321(c). Appellee was, therefore, not required to file an answer prior to the court ruling on her motion to dismiss. Consequently, the court did not err in denying appellant’s request for an Order of Default, and in deciding appellee’s motion to dismiss on the merits.<sup>2</sup>

Appellant next contends that the court erred in granting the motion to dismiss because it relied on the Anne Arundel County case to “improperly disregard [his] affirmative complaints” in the Baltimore County case. Again, we disagree. As an initial matter, appellant does not raise any specific arguments with respect to the merits of the motion to dismiss, other than noting that the “counter-complaint [was] not a lawsuit for contract breach” but “one of the defenses” in the Anne Arundel case. Consequently, we need not consider this claim on appeal. *See Klauenberg v. State*, 355 Md. 528, 552 (1999) (noting that “arguments not presented in a brief or not presented with particularity will not be considered on appeal”).

But in any event, we find no error. Once a circuit court exercises jurisdiction over a case, “another court of concurrent jurisdiction generally should abstain from interfering

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<sup>2</sup> Notably, the circuit court denied the request for Order of Default because appellant had failed to provide a non-military affidavit pursuant to Rule 2-613. We need not address whether the court properly denied the request on those grounds, however, because “we may affirm a trial court’s judgment on any ground adequately supported by the record, whether or not that ground was relied upon or even considered by the court below.” *State v. Fabien*, 259 Md. App. 1, 13 (2023).

with the first proceeding.” *State v. 91st St. Joint Venture*, 330 Md. 620, 628 (1993). This Court has stated:

Merely because a court has subject matter jurisdiction does not mean it is proper for the court to exercise it, however. It long has been held that when two courts have concurrent jurisdiction over the same subject matter, and the actions are materially the same, the court in which suit first was commenced should retain the case and another court should abstain from exercising its jurisdiction and interfering with the first proceeding.

*Vaughn v. Vaughn*, 146 Md. App. 264, 278-79 (2002) (citing *91st St. Joint Venture*, 330 Md. at 628). “Absolute identity of all issues in both cases is not” required. *Hanover Invs., Inc. v. Volkman*, 455 Md. 1, 21 (2017). Instead, “[t]he standard . . . is whether the question presented in the [second] action ‘can be adequately decided,’ or ‘may be adjudicated,’ in the earlier-filed, pending action.” *Id.* (cleaned up).

Here, the claims and underlying facts that appellant alleged in the Baltimore County case are nearly identical to those that he had already raised in his counterclaim in the Anne Arundel County case. Moreover, the court in that case can fully adjudicate his counterclaim breach of contract and award damages, if proven. In fact, a review of the record indicates appellant’s counterclaim is still pending. As such, the court did not err in abstaining from exercising its jurisdiction and granting appellee’s motion to dismiss.

Finally, appellant contends that the court erred in not holding a hearing to allow him to present additional evidence with respect to his request for Order of Default and the motion to dismiss. But a hearing is only required if one is requested in “the motion or response under the heading ‘Request for Hearing.’” Maryland Rule 2-311(f). Moreover, the “title of the motion or response shall state that a hearing is requested.” *Id.* Appellant,

however, did not request a hearing in the manner provided in Rule 2-311(f) in either his request for Order of Default or his opposition to the motion to dismiss. Consequently, the court did not err in declining to hold a hearing on either motion.

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