

Circuit Court for Prince George's County
Case No. CAL16-41955

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 146

September Term, 2021

STARSHA SEWELL

v.

CAPITAL AREA TITLE, LLC, *et al.*

Reed,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 22, 2021

*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.

After her home was sold at a foreclosure sale, Starsha Sewell, appellant, filed a complaint with the Maryland Insurance Administration (“MIA”) alleging that Capital Area Title, LLC, appellee, (Capital Area Title) had violated § 10-126 of the Insurance Article. In the complaint, Ms. Sewell claimed that Capital Area Title had issued her a title insurance policy when she purchased her home, and that the policy should have reimbursed her for the remaining balance on her mortgage after her home was foreclosed. Ms. Sewell further alleged that, after the foreclosure, Capital Area Title had altered the policy to exclude coverage for the loss of her home, thus preventing her from recovering on her claim. Following a hearing, the Maryland Insurance Commissioner (Commissioner) entered an order finding that Capital Area Title had not violated § 10-126 of the Insurance Article. Ms. Sewell filed a petition for judicial review in the Circuit Court for Prince George’s County, and the court affirmed the Commissioner’s decision. We affirmed the circuit court’s judgment on direct appeal. *See MIA, Ex Rel., S.S. v. Capital Area Title, LLC*, No. 2055, Sept. Term 2017 (filed February 8, 2019).

In March 2021, approximately two years after the circuit court entered its final judgment, Ms. Sewell filed two nearly identical motions to revise the judgment pursuant to Maryland Rule 2-535(b) entitled: “Emergency Motion For Expedited Relief Under MD Rule 2-535(b) Fraud, Mistake, Irregularity; Newly Discovered Evidence Not Available at Trial” and “Emergency Motion For MD Rule 2-534 Reconsideration by Judge John Paul Davey on the Basis of 42 USC 3631 and 18 USC 241 Hate Motivated Bias & Motion for Expedited Relief Under MD Rule 2-535(b) Fraud, Mistake, and Irregularity.” Both motions, which are extremely difficult to follow, alleged that the circuit court had been

“extorted” by appellee and that “the Federal Bureau of Investigation [had] issued an 811 Espionage Referral under the Insider Threat Provision of National Security Law, specifically the Espionage Act of 1964.”¹ The court denied both motions without a hearing.

On appeal, Ms. Sewell contends that the court erred in denying her motions to vacate the judgment. To vacate or modify an enrolled judgment pursuant to Rule 2-535(b), a movant must establish the existence of either fraud, mistake, or irregularity. However, none of the claims raised in her motions demonstrated the existence of fraud, mistake, or irregularity, as those terms are used in Rule 2-535(b). *See generally Peay v. Barnett*, 236 Md. App. 306, 321 (2018) (“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, in order to ensure finality of judgments.” (citation omitted)). Consequently, we shall affirm the judgments of the circuit court.

Having determined that the court did not abuse its discretion in denying Ms. Sewell’s motions to revise the judgment, we next address appellee’s contention that this appeal was taken without substantial justification and therefore, that sanctions in the form of attorney’s fees and costs are appropriate. Pursuant to Maryland Rule 1-341, this Court may apply “the sanction of reasonable counsel fees and costs to appeals which have been taken without substantial justification or in bad faith.” *Kirsner v. Edelmann*, 65 Md. App. 185, 196 (1985) (internal quotation marks and citation omitted). Based on our review of the record, we agree that there was no justification for Ms. Sewell to have filed this appeal

¹ In support of her claim that the FBI had issued a referral under the Espionage Act, Ms. Sewell attached a 2018 email from an FBI employee, which confirmed receipt of a complaint that Ms. Sewell had filed.

as the issues raised in her Rule 2-535(b) motions, and on appeal, are completely lacking in merit. Nevertheless, because Ms. Sewell is a self-represented litigant, and this is appellee’s first request to this Court for sanctions in this case, we shall exercise our discretion and deny the motion for sanctions.

**MOTION FOR SANCTIONS
DENIED. JUDGMENT OF THE
CIRCUIT COURT FOR PRINCE
GEORGE’S COUNTY AFFIRMED.
COSTS TO BE PAID BY
APPELLANT.**