

Circuit Court for Howard County
Case No.: C-13-CV-24-000542

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 186

September Term, 2025

TAJOORE NAPPER

v.

NORRIS-MJ, LLC, ET AL.

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 19, 2025

*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.

This case arises from a decision by the Circuit Court for Howard County to dismiss a complaint for declaratory judgment filed by Tajore Napper (“Napper”), appellant, against Norris-MJ, LLC d/b/a Acura of Ellicott City (referred to collectively as “Norris”) and Honda Lease Trust, appellees. On or about December 2, 2023, Napper entered into a lease agreement with Acura of Ellicott City for a 2023 Acura TLX vehicle. Acura Financial Services “helped arrange” the lease. The lease agreement provided, in pertinent part, that Acura of Ellicott City “will assign this Lease and sell the Vehicle to Honda Lease Trust[.]” Subsequent to the signing of the lease, Acura of Ellicott City assigned it to Honda Lease Trust.

On July 3, 2024, Napper filed in the circuit court a complaint for declaratory judgment against Norris and Honda Lease Trust seeking a determination of “the rights and obligations of the parties under the lease agreement.” Napper sought a declaration that the lease agreement was void. Specifically, she asked the circuit court to declare: that “the replacement of Acura of Ellicott City with Honda Lease Trust [was] the result of a novation, not an assignment and [was] rendered void and ineffective due to the lack of [her] consent[;]” that the arrangement and facilitation of the lease agreement “by Acura Financial Services (AFS) [was] rendered void and invalid due to AFS’s forfeiture status at the time of the sale and conversion[;]” that “Honda Lease Trust has no rights under the motor vehicle lease agreement because the replacement [was] void, invalid, and ineffective[;]” and, that “Honda Lease Trust is not entitled to payment under the lease agreement.”

Norris and American Honda Finance Corporation (“AHFC”), as administrator of the lease on behalf of Honda Lease Trust, filed motions to dismiss the complaint for declaratory judgment. The motions to dismiss were based generally on three arguments: (1) there was no justiciable controversy because Napper admitted that she entered into the lease agreement and the terms of the agreement permitted Norris to assign the lease; (2) the assignment of the lease did not constitute a novation and did not convert the lease agreement into a pooled security instrument; and, (3) because the assignment was from Norris to AHFC, the administrator of Honda Lease Trust, the status of Acura Financial Services was irrelevant.¹ Although Honda Lease Trust did not request a hearing on its motion to dismiss, the court, on its own, scheduled one. Honda Lease Trust later requested that the hearing date be rescheduled. Norris requested a hearing on its motion to dismiss. Ultimately, the court scheduled both motions to be heard on the same date.

Napper did not file a written opposition to either motion to dismiss. On September 26, 2024, she filed a motion to compel appellees to provide complete answers to certain paragraphs of the complaint for declaratory judgment and to strike certain affirmative defenses. Thereafter, on November 19, 2024, Napper filed a “Motion To Request No Oral

¹ American Honda Finance Corporation (“AHFC”) asserted that Acura Financial Services was one of its trade names, that it was a California corporation registered and in good standing in Maryland, and that although the trade name was previously registered in Maryland, the registration was not renewed in 2023. AHFC pointed out that Honda Lease Trust was the assignee of Napper’s lease agreement, not Acura Financial Services. AHFC appeared below as a real party in interest, was the beneficiary and administrator of Honda Lease Trust, and also served as the servicer of the lease agreement.

Argument Or, In The Alternative, To Waive Appearance and Present Argument Through Written Submissions” by which she requested that the court decide her motion to compel and Norris’s motion to dismiss based on the written submissions without oral argument. Alternatively, if the court determined that oral arguments were necessary, she requested that the court waive her appearance at the hearing and consider the motions on the parties’ written submissions. The court granted Napper’s motion.

A hearing on the motion to compel and the motions to dismiss was held on December 17, 2024. Napper did not appear. Norris and Honda Lease Trust were represented by counsel. The court denied Napper’s motion to compel “by default” for failure to appear at the hearing. The court granted the motions to dismiss. Counsel advised the court that Napper had requested to be “heard on the papers[.]” Thereafter, the court stated, “[l]et the record reflect that the Plaintiff in this case, Tajore Napper, failed to appear and it is 9:54 a.m. and therefore this Court is going to grant Defendants’ motions to dismiss in this matter.”

A written order dismissing the complaint for declaratory judgment was entered on January 10, 2025. In that order, the court specifically took note of its prior decision to permit Napper to proceed on her written filings with respect to her motion to compel and Norris’s motion to dismiss and the fact that Napper did not appear at the hearing to contest the motions to dismiss. The court vacated its oral ruling issued at the hearing by which it denied Napper’s motion to compel. The court then proceeded to deny Napper’s motion to compel “as moot,” and dismissed the complaint for declaratory judgment. Twenty-four days later, on February 3, 2025, Napper filed a “motion to vacate” the order dismissing her

complaint for declaratory judgment pursuant to Maryland Rule “3-535(a).” She did not request a hearing on that motion.² The motion to vacate was denied on March 3, 2025. Thereafter, on March 27, 2025, Napper filed a notice of appeal.

QUESTIONS PRESENTED

Napper presents the following four questions for our consideration:

I. Did the circuit court err as a matter of law by dismissing the complaint for declaratory judgment despite the existence of a justiciable controversy, where no findings of fact or conclusions of law were issued in violation of Maryland Rule 2-522 and § 3-409 of the Courts and Judicial Proceedings Article of the Maryland Code?

II. Did the circuit court abuse its discretion by *sua sponte* dismissing the case for Napper’s failure to appear, notwithstanding a prior order granting her leave to proceed on written submissions without oral argument?

III. Did the circuit court’s failure to adjudicate the substantive legal issues raised in the complaint and to issue a reasoned decision deprive Napper of her right to procedural due process under the Fourteenth Amendment and Article 24 of the Maryland Declaration of Rights?

IV. Did the circuit court err in denying Napper’s motion to vacate the dismissal without addressing the jurisdictional and substantive legal arguments presented, thereby foreclosing meaningful appellate review and denying her a reasonable opportunity to be heard?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

JUDGMENT APPEALED

We begin by identifying the judgment or order that Napper has timely appealed.

The circuit court’s order dismissing the complaint for declaratory judgment was entered on

² As Napper did not request a hearing on the motion to vacate, none was required. See *Miller v. Mathias*, 428 Md. 419, 441-43 (2012) (hearing on Rule 2-535 motion is not required unless a party requests one and the court renders a decision that is dispositive of a claim or defense).

January 10, 2025. Twenty-four days later, Napper filed her motion to vacate which she claimed was filed pursuant to Maryland Rule 3-535(a). That Rule applies to civil actions in the district court. The corresponding rule addressing the circuit court’s revisory power is Rule 2-535(a), which provides:

On motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment and, if the action was tried before the court, may take any action that it could have taken under Rule 2-534.^[3] A motion filed after the announcement or signing by the trial court of a judgment or the return of a verdict but before entry of the judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.

Napper’s motion to vacate was, essentially, a request for the court to reconsider its ruling and exercise revisory power over its judgment. Generally, a notice of appeal must be filed within 30 days after the entry of the judgment or order from which the appeal is taken. Md. Rule 8-202(a). The timely filing of a motion under Rule 2-535 does not automatically stay an appeal. If a party files a revisory motion within ten days of the entry of judgment, the motion extends the time for noting an appeal of the judgment to 30 days after the motion is either decided or withdrawn. Md. Rule 8-202(c); *see also Est. of Vess*, 234 Md. App. 173, 194 (2017) (“Rule 8-202(c) also extends the time period for noting an

³ Maryland Rule 2-534 provides, in part:

In an action decided by the court, on motion of any party filed within ten days after entry of judgment, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment.

appeal to this Court when a party files a revisory motion under Rule 2-535 within 10 days after entry of judgment.” (emphasis omitted)). If the motion is filed more than ten days after judgment, it does not stay the time for filing the appeal. See *Unnamed Att’y v. Att’y Grievance Comm’n*, 303 Md. 473, 486 (1985).

In the case before us, because the motion to vacate was filed more than ten days after the entry of the order dismissing the complaint for declaratory judgment, the time for noting an appeal of the dismissal was not extended. See *Johnson v. Francis*, 239 Md. App. 530, 541 (2018) (if a motion for reconsideration “‘is filed more than ten days after judgment, it does not stay the time for filing the appeal’”) (quoting *Pickett v. Noba, Inc.* 114 Md. App. 552, 557 (1997)). In order to appeal from the circuit court’s decision to grant the motions to dismiss, Napper had to file her notice of appeal within thirty days of the entry of the court’s order on January 10, 2025. Napper did not file her notice of appeal until March 27, 2025. When a revisory motion is filed beyond the ten-day period, but within thirty days, as in the instant case, “‘an appeal noted within thirty days after the court resolves the revisory motion addresses only the issues generated by the revisory motion.’” *Sydnor v. Hathaway*, 228 Md. App. 691, 707-08 (2016) (quoting *Furda v. State*, 193 Md. App. 371, 377 n.1 (2010)). Our review, therefore, is limited to the court’s denial of Napper’s revisory motion, which she labeled as a motion to vacate.

STANDARD OF REVIEW

We review appeals from the denial of a motion for reconsideration for abuse of discretion. *Sydnor*, 228 Md. App. at 708. “An abuse of discretion occurs ‘where no reasonable person would take the view adopted by the trial court’ or when the court ‘acts

without reference to any guiding rules or principles.” *George v. Bimbra*, 265 Md. App. 505, 517 (2025) (quoting *Alexander v. Alexander*, 252 Md. App. 1, 17 (2021)) (cleaned up). “[I]n appeals from the denial of a post-judgment motion, reversal is warranted in cases where there is both an error and a compelling reason to reconsider the underlying ruling.” *Sydnor*, 228 Md. App. at 708 (quoting *Schlotzhauer v. Morton*, 224 Md. App. 72, 85 (2015)). In other words, although a court abuses its discretion when its discretionary decision is based on a legal error, *Tallant v. State*, 254 Md. App. 665, 681 (2022), where a party challenges the denial of a motion for reconsideration, it must also show that the denial “*was so far wrong – to wit, so egregiously wrong – as to constitute a clear abuse of discretion.*” *Stuples v. Balt. City Police Dep’t*, 119 Md. App. 221, 232 (1998). “It is hard to imagine a more deferential standard than this one.” *Est. of Vess*, 234 Md. App. at 205.

DISCUSSION

The first three questions presented by Napper pertain to the circuit court’s decision to dismiss the complaint for declaratory judgment. For the reasons set forth above, those questions are not properly before us and we shall not address them. Our review is limited to Napper’s fourth question, in which she challenges the circuit court’s denial of her motion to vacate “without addressing the jurisdictional and substantive legal arguments presented, thereby foreclosing meaningful appellate review and denying her a reasonable opportunity to be heard[.]” In her brief, Napper included the following summary of her argument that the circuit court abused its discretion in denying her motion to vacate:

Finally, the summary denial of Appellant’s Motion to Vacate, without analysis or acknowledgement of the legal grounds asserted, extinguished any meaningful opportunity for reconsideration and compounded the trial court’s

prior procedural missteps. These cumulative errors not only denied Appellant due process but also prevented resolution of significant legal questions properly before the court. Reversal and remand are required to ensure adjudication on the merits and to preserve the integrity of the judicial process.

In the “Argument” section of her brief, Napper addressed her contentions pertaining to the circuit court’s dismissal of her complaint for declaratory judgment, but did not set forth any argument specifically addressing her fourth issue which challenged the denial of her motion to vacate. *See* Md. Rule 8-504(a)(6) (a brief must include “[a]rgument in support of the party’s position on each issue”). Nor did she set forth any legal authority in support of her challenge to the denial of her motion to vacate.

Napper also filed a reply brief in which she again argued that the circuit court erroneously violated its own order excusing her from the oral argument and allowing her to submit on the parties’ written submissions. She maintained that her request to submit on her written filings was made as to the motions filed by both defendants. In addition, she asserted that her complaint for declaratory judgment set forth a justiciable controversy. We shall address Napper’s arguments only to the extent that they relate to her challenge to the court’s denial of her motion to vacate.

A. Failure to Appear at the Hearing

We shall begin by addressing Napper’s contention that the circuit court failed to give effect to its own order granting her request to be excused from the hearing and to submit on the parties’ written submissions. The circuit court did not abuse its discretion in denying the motion to vacate on that ground because Napper’s contention is not supported by the record. The circuit court’s ultimate decision was not based on Napper’s failure to

appear at the motions hearing. Initially, at the December 17, 2024 hearing, the court dismissed the complaint for declaratory judgment by default despite its prior order permitting Napper to submit on her written submissions. Later, however, the court corrected its error. In its written order entered on January 10, 2025, the circuit court took note of its prior order permitting Napper’s motion to compel and Norris’s motion to dismiss to be decided on the written submissions of the parties and its prior consideration of the fact that Napper did not appear at the hearing. The court vacated its order dismissing Napper’s motion to compel. The court then proceeded to deny Napper’s motion to compel, grant Norris’s motion to dismiss, and dismiss the complaint for declaratory judgment.

Considering the order as a whole, we infer that the court intended to issue its new ruling for the purpose of correcting its prior ruling from the bench and to give consideration to the written filings before it. In light of the circuit court’s order correcting its prior ruling from the bench, Napper’s claim of error must fail. The court did not abuse its discretion in denying the motion to vacate.

B. Due Process Rights

Napper contends that the circuit court abused its discretion in denying her motion to vacate because she was denied procedural due process as guaranteed by the Fourteenth

Amendment to the United States Constitution⁴ and Article 24 of the Maryland Declaration of Rights.⁵ We disagree.

“Both the Due Process Clause of the Fourteenth Amendment and Article 24 of the Maryland Declaration of Rights protect interests in life, liberty, and property from deprivation or infringement by government without appropriate procedural safeguards.” *Roberts v. Total Health Care, Inc.*, 349 Md. 499, 508-09 (1998) (footnote omitted). The two core procedural due process rights are notice and a meaningful opportunity to be heard. *Id.* (citing *LaChance v. Erickson*, 522 U.S. 262, 266 (1998)). “Due process does not require adherence to any particular procedure. On the contrary, due process is flexible and calls only for such procedural protections as the particular situation demands.” *Dep’t of Transp., Motor Vehicle Admin. v. Armacost*, 299 Md. 392, 416 (1984).

Our review of the record as a whole convinces us that there was no violation of Napper’s due process rights. She had notice and an opportunity to be heard both orally at the hearing and in writing. She did not take advantage of her opportunity to file a motion in opposition to either of the motions to dismiss. At her request, she was excused from appearing at the hearing on her motion to compel and Norris’s motion to dismiss and permitted to rely on the parties’ written submissions. She did not request that permission

⁴ The Fourteenth Amendment to the Constitution of the United States provides that the State shall not “deprive any person of life, liberty, or property, without due process of law[.]” U.S. CONST. amend XIV, § 1.

⁵ Article 24 of the Maryland Declaration of Rights provides “[t]hat no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.”

with respect to Honda Least Trust’s motion to dismiss. Although the judge initially dismissed the complaint on the ground that Napper failed to appear at the hearing, he later reconsidered that decision and issued a written order from which we can infer an intent to correct his prior decision.

On this record, we perceive no error and no compelling reason for the circuit court to reconsider its rulings on the ground that Napper was denied due process. Accordingly, the circuit court did not abuse its discretion in denying Napper’s motion to vacate on that ground.

C. Articulation of Reasons for Denying Motion to Vacate

Napper argues that the circuit court abused its discretion in failing to articulate its reasons for denying her motion to vacate. We disagree. Here, where Napper failed to file an opposition motion to either of the motions to dismiss, the motions to dismiss for lack of a justiciable controversy were properly presented to and decided by the court, and the motion to vacate merely pointed back to the allegations set forth in the complaint for declaratory judgment, we cannot say that the denial of the motion to vacate was so egregiously wrong as to constitute an abuse of discretion. Judges are “‘presumed to know the law and to properly apply it.’” *Compolattarro v. Compolattaro*, 66 Md. App. 68, 80 (1986) (quoting *Bangs v. Bangs*, 59 Md. App. 350, 370 (1984)). They have no duty “‘to articulate every step in [their] thought processes.’” *Wasylyuszko v. Wasylyuszko*, 250 Md. App. 263, 282-83 (2021) (quoting *Imagnu v. Wodajo*, 85 Md. App. 208, 221 (1990)).

D. Justiciable Controversy

Napper contends that the circuit court abused its discretion in denying her motion to vacate because her complaint for declaratory judgment presented a justiciable controversy. As we have already noted, in challenging the denial of her revisory motion, Napper must show both error and that the circuit court’s denial was so egregiously wrong as to constitute a clear abuse of discretion. She has not done that here.

In Maryland, the “‘existence of a justiciable controversy is an absolute prerequisite to the maintenance of a declaratory judgment action.’” *Aleti v. Metro. Baltimore, LLC*, 251 Md. App. 482, 520 (2021) (citation omitted); *see also Floyd v. Mayor and City Council of Baltimore*, 179 Md. App. 394, 429 n.22 (2008) (“It is well settled that ‘the existence of a justiciable controversy is an absolute prerequisite to the maintenance of a declaratory judgment action.’”) (quoting *Boyd’s Civic Ass’n v. Montgomery Cnty. Council*, 309 Md. 683, 689 (1987)). “A court cannot dismiss a claim for a declaratory judgment unless the plaintiffs are not entitled to a declaration of their rights ... as, for example, when the case is not justiciable, when the case is unripe or moot, or when the plaintiff lacks standing.” *GPL Enter., LLC v. Certain Underwriters at Lloyd’s*, 254 Md. App. 638, 649-50 (2022).

The circuit court did not abuse its discretion in denying Napper’s motion to vacate because the complaint for declaratory judgment clearly failed to present a justiciable controversy. Although Napper did not file an opposition to either of the motions to dismiss, she asked the court to consider the parties’ submissions, which included her complaint. In her complaint, she acknowledged that she executed the lease agreement. The plain

language of the agreement advised Napper that the lease would be assigned to Honda Lease Trust and, by her signature, she consented to the assignment. No factual basis was provided for Napper's claim of novation except that the lease agreement was assigned to Honda Lease Trust, a transaction to which she consented when she executed the lease agreement. Napper's speculation that the lease had been securitized was irrelevant because it did not negate the relationship between her and Honda Lease Trust. Further, the fact that Acura Financial Services was in a forfeited status was immaterial. That entity was not a party to the lease agreement and its status had no effect on the rights and duties of the contracting parties. Because a review of the complaint, in the light most favorable to Napper, showed that there was no justiciable controversy, we cannot say that the circuit court erred in dismissing the complaint for declaratory judgment. The court's decision to deny the motion to vacate did not constitute a clear abuse of discretion.

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