

Circuit Court for Washington County
Case No. 21-C-00-010199

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 270

September Term, 2020

KELVIN J. MILES

v.

BROTHER INTERNATIONAL
CORPORATION

Graeff,
Ripken,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 14, 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.

In 2000, Kelvin J. Miles, appellant, filed a complaint against Brother International Corporation, appellee, in the Circuit Court for Washington County, alleging that appellee had sold him defective typewriter ribbons. Mr. Miles claimed that this had caused him to lose an appeal because he was unable to finish typing his legal brief. Appellee filed a motion to dismiss on the grounds that Mr. Miles had failed to state a claim upon which relief could be granted. The circuit court granted the motion and dismissed the case with prejudice. Mr. Miles did not file a notice of appeal.

In March 2020, Mr. Miles filed a “Motion to Reopen Complaint.” In that motion, he requested the court to vacate its dismissal order because: (1) he claimed that appellee’s motion to dismiss had been untimely filed, and (2) the court did not hold a hearing before dismissing his complaint. In June 2020, Mr. Miles filed a “Motion to Amend Complaint,” raising the same claims. The court denied both motions without a hearing. This appeal followed.

On appeal, Mr. Miles raises two issues: (1) whether the court erred in denying his “Motion to Reopen Complaint” and “Motion to Amend Complaint” without holding a hearing, and (2) whether the court erred in denying those motions without explaining the reasons for its decision. For the reasons that follow, we shall affirm.¹

¹ On the first page of his brief, Mr. Miles indicates that he is also appealing from the court’s 2001 judgment dismissing his complaint. However, because he did not file a notice of appeal within 30 days from the date that judgment was entered on the docket, any issues related to that judgment are not properly before us in this appeal. *See* Rule 8-202(a) (requiring notice of appeal to be filed within 30 days of the judgment from which the appeal is taken).

As an initial matter, because Mr. Miles’s motions were filed more than 30 days after the entry of judgment dismissing his complaint, the only possible avenue under which he could have obtained relief was Maryland Rule 2-535(b). *See Kent Island, LLC v. DiNapoli*, 430 Md. 348, 366 (2013) (noting that after 30 days have passed after the entry of a final judgment, a court may only modify its judgment upon a motion filed pursuant to Rule 2-535(b)). 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. Mr. Miles does not specifically address the denial of his motion on the merits in his brief. But we nevertheless note that none of the claims raised in his motion, even if true, demonstrate 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, to ensure finality of judgments.” (citation omitted)).

Turning to Mr. Miles’s procedural claims, we find no error in the court’s decision to deny his motions without a hearing because no hearing was required. *See Pelletier v. Burson*, 213 Md. App. 284, 292-93 (2013) (noting that the court is not required to hold a hearing before denying a motion for reconsideration filed more than ten days after the entry of judgment because the denial of such a motion is not dispositive of a claim or defense). Moreover, we find no error in the court’s failure to provide an explanation for its denial of his motions as the trial court is not required to “elaborate on the reason” for its decisions. *See Attorney Grievance Comm’n v. Jeter*, 365 Md. 279, 288 (2001). In any event, when reviewing decisions of the circuit court this Court “presume[s] that trial judges know the

law and correctly apply it.” *Id.* And for the reasons previously set forth, Mr. Miles’s motions did not satisfy the criteria to vacate a judgment pursuant to Rule 2-535(b). We thus presume that the court denied the motion for that reason.

**JUDGMENTS OF THE CIRCUIT
COURT FOR WASHINGTON
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**