

Circuit Court for Montgomery County
Case No. 172166FL

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 466

September Term, 2024

ANTHONY MASSAQUOI

v.

SYDIATOU MASSAQUOI

Friedman,
Beachley,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: April 14, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Appellant, Anthony Massaquoi, and appellee, Sydiatou Massaquoi, became romantically involved in 2012, when Ms. Massaquoi was several months pregnant with a daughter, J. When J. was born in November 2012, Mr. Massaquoi signed the birth certificate even though he knew that he was not J.’s biological father. The parties married in 2016, but in November 2020, Mr. Massaquoi filed a Complaint for Absolute Divorce in the Circuit Court for Montgomery County. In his complaint, Mr. Massaquoi alleged that he and Ms. Massaquoi were the parents of eight-year-old J. and three-year-old A. He requested visitation with both children, which the court granted on a *pendente lite* basis.

On December 27, 2021, the circuit court granted Mr. Massaquoi’s request for an absolute divorce. The court further granted Ms. Massaquoi “sole legal and primary physical custody of the parties’ minor children,” J. and A., and awarded Mr. Massaquoi visitation on alternate weekends. The judgment also ordered Mr. Massaquoi to pay child support for the children and established child support arrearages of \$6,174.¹ No appeal was taken from the December 27, 2021 judgment of divorce.

On May 2, 2022, Mr. Massaquoi filed a “Motion to Establish Paternity,” alleging that J. was not his biological child. In denying Mr. Massaquoi’s motion as “untimely,” the court made the following specific findings:

- That Mr. Massaquoi was aware at the time of J.’s birth that he was not her biological father.

¹ Although not relevant to this appeal, the divorce judgment also ordered Mr. Massaquoi to pay alimony and attorney’s fees.

- That the December 27, 2021 judgment of divorce constituted “a final order in this matter which resolved all issues regarding custody and child support.”
- That Mr. Massaquoi “did not file an appeal of the December 27, 2021 Judgment of Absolute Divorce,” nor did he “move to vacate, amend, or otherwise revise” the divorce judgment.

Mr. Massaquoi did not appeal the September 6, 2022 Order denying his Motion to Establish Paternity.

This appeal arises out of Mr. Massaquoi’s “Petition to Modify Child Support” filed on June 8, 2023. In his petition to modify, Mr. Massaquoi alleged that he was the father of J. and A., but sought a reduction in child support as a result of a substantial decrease in income. Mr. Massaquoi’s petition to modify child support and Ms. Massaquoi’s pending petition for contempt against Mr. Massaquoi for failure to pay child support were both heard on April 25, 2024. During the hearing, Mr. Massaquoi told the court that he had “new evidence” concerning J.’s paternity that he claimed he discovered subsequent to the denial of his motion to establish paternity. Mr. Massaquoi stated that J.’s biological father had reached out to him and “volunteered to take responsibility” for J. The court advised Mr. Massaquoi that any new information about J.’s paternity was irrelevant to his petition to modify child support. The court also noted that the December 27, 2021 judgment of divorce constituted a final judgment and that the court had previously denied Mr. Massaquoi’s petition to determine paternity.

After receiving testimony from the parties, the court found Mr. Massaquoi in

contempt and denied his petition to modify child support based on his failure to prove a material change in circumstances. The “Order for Contempt” was entered on May 1, 2024, and the “Order Denying [Mr. Massaquoi’s] Petition for Modification of Child Support” was entered on May 3, 2024. Mr. Massaquoi’s notice of appeal was filed on May 2, 2024, one day after entry of the contempt order and one day prior to entry of the Order denying his petition to modify child support.

In his informal brief, Mr. Massaquoi asserts that “newly discovered paternity evidence” conclusively establishes that he is not J.’s biological father. Accordingly, he avers that this new evidence is “undoubtedly a material change” in circumstances that requires modification of the extant child support order.

Our recitation of the procedural history of this case as outlined above establishes why Mr. Massaquoi cannot prevail in this appeal. In short, his request to have paternity of J. relitigated is barred by the doctrine of *res judicata*.

We recently summarized the principles of *res judicata*:

Res judicata, also known as claim preclusion, is a legal doctrine that bars the relitigation of a claim if there is a final judgment in a previous litigation where the parties, the subject matter and causes of action are identical or substantially identical as to issues actually litigated and as to those which could have or should have been raised in the previous litigation.

Three elements must be satisfied for a claim to be barred by *res judicata*:

(1) the parties in the present litigation are the same or in privity with the parties to the earlier litigation; (2) the claim presented in the current action is identical to that determined or that which could have been raised and determined in the prior

litigation; and (3) there was a final judgment on the merits in the prior litigation.

McMorrow v. King, ___ Md. App. ___, No. 875, Sept. Term 2024, Slip Op. at 8 (App. Ct. Md. March 5, 2025) (citations omitted) (quoting *R & D 2001 v. Rice*, 402 Md. 648, 663 (2008)).

Here, all three elements are satisfied. First, Mr. and Ms. Massaquoi have been the only parties throughout this litigation spanning back to 2020. Second, Mr. Massaquoi’s paternity claim is identical to the claim that was adjudicated by the September 6, 2022 Order denying his request for a paternity determination. Moreover, any issue concerning paternity could have been raised in the original divorce action that concluded with the December 27, 2021 judgment of absolute divorce. Third, both the December 27, 2021 divorce judgment and the September 6, 2022 judgment denying his motion to establish paternity constitute final judgments. Accordingly, we have no difficulty concluding that Mr. Massaquoi’s attempt to litigate paternity again in his petition to modify child support is barred by *res judicata*. See *Davis v. Wicomico Cnty. Bureau*, 447 Md. 302, 307-08 (2016) (holding that 2011 denial of paternity test constituted *res judicata* in 2013 action seeking paternity determination).²

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² We also note that Mr. Massaquoi’s notice of appeal filed on May 2, 2024, immediately followed entry of the May 1, 2024 contempt order, but his informal brief does not address the contempt finding. Apparently, Mr. Massaquoi intended to appeal the May 3, 2024 Order denying his petition to modify child support; however, he did not note an appeal from that Order. Although we have decided Mr. Massaquoi’s appeal on the merits, his appeal could be dismissed on the ground that he did not properly note an appeal from the Order he now challenges on appeal.

**FOR MONTGOMERY COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**