Circuit Court for Prince George's County
Case No. CAL-20-10215

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 495

September Term, 2020

ANDREW NDUBISI UCHEOMUMU

v.

HARTFORD CASUALTY INSURANCE COMPANY, *et al.*

Kehoe,
Leahy,
Friedman,
JJ.

Opinion by Kehoe, J.

Filed: July 21, 2021

This case stems from a money judgment for attorneys' fees (the "Foreign Judgment") entered in the United States District Court for the District of Minnesota in favor of Hartford Casualty Insurance Company against Andrew Ndubisi Ucheomumu. Hartford subsequently filed a motion in the Circuit Court for Prince George's County to enroll the Foreign Judgment in Maryland. The motion was granted. Shortly thereafter, appellant filed a motion to strike the Foreign Judgment and to join several other parties, who, according to appellant, were also liable to Hartford under the Foreign Judgment. The motion was denied and appellant noted this appeal.

Appellant presents five questions, which we have rephrased and consolidated into two:

1. Did the circuit court err in denying appellant's motion to strike the Foreign Judgment?

2. Did the circuit court err in not holding a hearing on appellant's motion?[1]

[1] In his brief, appellant articulates the issues as follows:

> 1. Pursuant to Maryland Rule 2-311(f) did the lower court err in disposing Appellant defenses without a hearing when Appellant requested for a hearing in his defenses?
>
> 2. Pursuant to Maryland Rule 2-601, did the lower court err in not realizing that the Court opinion is a not a judgment under Maryland law?
>
> 3. Did lower court err in not realizing that the purported judgment is defective for failure to join an indispensable party?
>
> 4. Did the lower Court err in not realizing that the judgment is a product of racism, in violation of the U.S. Constitution, Maryland Declaration of Human Rights and public policy?

We hold that the circuit court did not err in denying appellant's motion. We also hold that any error the court may have made in failing to hold a hearing was harmless. We affirm the court's judgment.

BACKGROUND

In 2011, appellant, who was at the time a Maryland attorney,[2] filed a civil complaint in the United States District Court for the District of Minnesota (the "U.S. District Court"), on behalf of Jalin Realty Capital Advisors, LLC ("Jalin") against A Better Wireless ("ABW"). Appellant filed the suit *pro hac vice* and associated with two Minnesota attorneys (the "Minnesota Attorneys") to act as co-counsel. Appellant was later sanctioned by the U.S. District Court for "egregious discovery violations" during the course of the litigation.[3] In 2013, the Court dismissed the complaint as being "variously unsupported, insufficiently pled, and entirely without merit."

Shortly thereafter, ABW filed a motion for attorneys' fees against Jalin and appellant. While that motion was pending, Hartford reimbursed ABW for its attorneys' fees pursuant to the provisions of one or more insurance policies. ABW assigned its right to seek

> 5. Pursuant to Maryland Rule 2-311(f) did the lower court err in disposing Appellant Motion to join white Minnesota lawyers without a hearing when Appellant requested for a hearing in his motion?

[2] Appellant was disbarred in 2018. *Attorney Grievance Commission of Maryland v. Ucheomumu*, 462 Md. 280 (2018).

[3] Appellant was also sanctioned by the Court of Appeals for his role in the Minnesota litigation. *See Attorney Grievance Commission of Maryland v. Ucheomumu*, 450 Md. 675, 709-17 (2016).

attorney's fees to Hartford, which was substituted for ABW in the action. Hartford then proceeded against Jalin and appellant on behalf of ABW for purposes of the attorney's fees claim. Hartford elected not to include the Minnesota Attorneys in its request for attorneys' fees because Hartford did not believe that they had behaved in bad faith. Appellant opposed the motion and raised several objections. Ultimately, the District Court overruled the objections and granted Hartford's request for attorneys' fees. The court's decision was entered as a judgment and is the Foreign Judgment.

In 2020, Hartford filed a request to enroll the Foreign Judgment in Maryland. As we have related, the circuit court granted the request and enrolled the Foreign Judgment. Appellant then filed a motion to strike the Foreign Judgment, claiming that the judgment should not have been enrolled in Maryland because it violated Maryland public policy and because the U.S. District Court lacked subject matter jurisdiction over the matter. Appellant also moved, in the alternative, to join the Minnesota Counsel "for indemnity." Appellant requested a hearing.

The circuit court denied appellant's motion without a hearing. The court found that appellant's complaints as to the validity of the Foreign Judgment should have been brought in the U.S. District Court. This timely appeal followed.

ANALYSIS

1.

Appellant presents several contentions as to why the circuit court erred in refusing to strike the Foreign Judgment. First, appellant argues that the Foreign Judgment violated

Maryland Rule 2-601, which requires each judgment to be set forth on a separate document. Second, appellant argues that the U.S. District Court lacked subject matter jurisdiction because Hartford, in pursuing its actions for attorneys' fees, failed to join the Minnesota Attorneys, who, according to appellant, were "indispensable parties." Finally, appellant argues that the Foreign Judgment violated Maryland's public policy against racial discrimination because Hartford chose to pursue its claim for attorneys' fees only against appellant, who is black, and not against the Minnesota Attorneys, both of whom are white. None of these contentions is persuasive.

"Maryland courts are required to give full faith and credit to a judgment of a federal court in another state as a judgment issued by a State court[.]" *Mike Smith Pontiac, GMC, Inc. v. Mercedes-Benz of North America, Inc.*, 123 Md. App. 498, 503 (1998) (citations and quotations omitted), *aff'd* 356 Md. 542. This obligation is based on the principle "that a litigation once pursued to judgment shall be as conclusive of the rights of the parties in every other court as in that where the judgment was rendered." *Prince George's County Office of Child Support Enforcement v. Lovick*, 238 Md. App. 476, 481-82 (2018) (citing *Magnolia Petroleum Co. v. Hunt*, 320 U.S. 430, 439-40 (1943)).

For a foreign judgment to be given the force of judgment in Maryland, the foreign judgment must be enrolled by a Maryland court. *Mike Smith Pontiac, GMC, Inc. v. Mercedes-Benz of North America, Inc.*, 356 Md. 542, 555 (1999). Once enrolled, a foreign judgment may be reopened or vacated, but only on the grounds of "lack of personal or subject matter jurisdiction of the rendering court, fraud in procurement (extrinsic),

satisfaction, lack of due process, or other grounds that make a judgment invalid or unenforceable." *Osteoimplant Technology, Inc. v. Rathe Productions, Inc.*, 107 Md. App. 114, 119-20 (1995) (citations omitted). Moreover, a judgment debtor may not attack a foreign judgment "on grounds which could have been presented in the action in which the judgment was rendered." *Id.* at 121 (citations omitted). The burden of persuasion rests with the person attacking the validity of the foreign judgment. *Id* at 122*; see also Legum v. Brown*, 395 Md. 135, 145-46 (2006) ("[W]hen a properly authenticated copy of a foreign judgment is presented for recording and enforcement, the burden is on the resisting party to establish that the rendering court lacked either subject matter or personal jurisdiction.").

Against that backdrop, we hold that the circuit court did not err in denying appellant's motion to strike the Foreign Judgment. First, appellant's claim that the Foreign Judgment violated Maryland Rule 2-601 is unpreserved, as it was not raised below. Md. Rule 8-131(a). Nevertheless, assuming without deciding that the Rule's requirement that each judgment be set forth in a separate document is even applicable to the enrollment of a foreign judgment, *see* Md. Rule 2-623 (governing the recording of a foreign judgment), the purpose of Rule 2-601 is to provide litigants with an exact date a judgment was entered so that a timely appeal may be filed. *Hiob v. Progressive American Ins. Co.*, 440 Md. 466, 472-80 (2014). The timeliness of appellant's appeal of the Foreign Judgment is not at issue here, and thus his reliance on Rule 2-601 is misplaced. In any event, assuming that the Foreign Judgment violated Rule 2-601, that violation would not result in our vacating the judgment; rather, the proper remedy would be to remand the case for the entry of the

separate document. Doing so here, however, would accomplish nothing and be a waste of judicial resources. *See Women First OB/GYN Associates, LLC v. Harris*, 232 Md. App. 647, 681-82 (2017).

We disagree with appellant's argument that the Foreign Judgment should have been vacated because the Minnesota Attorneys were not joined as indispensable parties. First, appellant raised this issue when he challenged the Foreign Judgment in the U.S. District Court. That court was not persuaded. Therefore, appellant is barred from relitigating that claim here. *See Osteoimplant Technology, Inc.*, 107 Md. App. at 121. Regardless, under both Maryland and federal law, the Minnesota Attorneys were not "indispensable parties" because Hartford did not seek relief from those attorneys. *See, e.g.*, Md. Rule 2-211(a) (discussing joinder requirements); Fed. R. Civ. P. 19(a) (same). Hartford sought relief solely against Jalin and appellant because they were the ones who, according to Hartford, acted in bad faith during the litigation in the U.S. District Court. Finally, even if the Minnesota Attorneys met the criteria of an indispensable party, failure to join those parties would not have deprived the U.S. District Court of subject matter jurisdiction. *Compare* Md. Rule 2-211(c) (discussing how a court may proceed when an indispensable party is not joined) *with* Fed. R. Civ. P. 19(b) (same).

As for appellant's claim that the Foreign Judgment violated Maryland's public policy against racial discrimination, again we disagree. There is nothing in the record to indicate that either the District Court's judgment or Hartford's decision to exclude the Minnesota Attorneys from its request for attorneys' fees were in any way racially motivated.

As discussed, Hartford sought attorneys' fees from appellant (and not the other attorneys) because Hartford believed that appellant was the only attorney who acted in bad faith. What is important in our view is that appellant was sanctioned by both the U.S. District Court and our Court of Appeals for his actions in the Minnesota litigation. There is no evidence in the record that the Minnesota Attorneys were similarly sanctioned. Hartford's decision to proceed solely against appellant was proper on its face and appears to have been made on a racially-neutral ground.

2.

Appellant next claims that the circuit court erred when it failed to hold a hearing before denying his motion to strike the Foreign Judgment and to join the Minnesota Attorneys. Appellant relies on Maryland Rule 2-311(f), which states in pertinent part, that "the court may not render a decision that is dispositive of a claim or defense without a hearing if one was requested[.]" Appellant argues that the court's failure to hold a hearing requires reversal.

Reversal is not required. Assuming without deciding that appellant was entitled to a hearing on his motion, any error the circuit court may have made in not holding a hearing was harmless. None of appellant's claims, including his indemnity claim against the Minnesota Attorneys, has merit. Moreover, appellant has not convinced us that he was prejudiced by the circuit court's failure to hold a hearing. *See Shealer v. Straka*, 459 Md. 68, 102 (2018) ("The party complaining that an error has occurred has the burden of showing prejudicial error."). Because the dispositive issues in the case are ones of law, we

exercise *de novo* review over the circuit court's decision. And the relevant issues were thoroughly addressed by the parties in their briefs to this court. Under the circumstances, remanding appellant's case so that the circuit court can hold a hearing "would be an exercise in futility and a waste of judicial resources." *Morris v. Goodwin*, 230 Md. App. 395, 410-11 (2016) (holding that court's failure to hold a hearing pursuant to Maryland Rule 2-311(f) was harmless).

THE JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY IS AFFIRMED. COSTS TO BE PAID BY APPELLANT.