

Circuit Court for Baltimore City  
Case No. 24-C-16-005225

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 565

September Term, 2017

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DAVID ANTHONY WIGGINS

v.

JOHN LEE JOHNSON, JR.

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Berger,  
Fader,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Kenney, J.

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Filed: August 21, 2018

\*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.

David Anthony Wiggins<sup>1</sup>, appellant, filed a complaint against his landlord, John Lee Johnson, Jr., in the Circuit Court for Baltimore City.<sup>2</sup> The complaint was titled “Verified Complaint for Declaratory and Injunctive Relief, Demand for Compensatory and Punitive Damages for Breach of Contract, Constructive Eviction, Breach of Rent Payment Terms, Breach of Modification of Terms, Breach of Quiet Enjoyment, Payment for Repairs Made, Refund for Overpayment, and Fraud.” In his complaint, he sought Declaratory Relief, Preliminary Injunctive Relief, and a Temporary Restraining Order. His motion for a temporary restraining order and preliminary or permanent injunction was denied.

When Johnson did not file an answer, Wiggins filed a motion for an order and judgment in default. The court entered an order of default, but ordered that a hearing be held prior to the entering of a judgment. Before that hearing was held, the court, acting *sua sponte*, dismissed Wiggins’ complaint for lack of jurisdiction, stating that “pursuant to Maryland Code, Courts and Judicial Proceedings § 4-401(4), ‘the District Court has exclusive original civil jurisdiction in...[a]n action involving landlord and tenant.’”

In this appeal, Wiggins argues that the circuit court erred in dismissing his complaint for lack of jurisdiction. He maintains that the court’s decision was erroneous because several of his claims, particularly his requests for declaratory and injunctive relief, were not within the jurisdiction of the District Court. Wiggins also avers that the court’s

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<sup>1</sup> In the proceedings, Mr. Wiggins identifies himself as David Anthony Wiggins©. We will refer to him as Wiggins.

<sup>2</sup> Mr. Johnson did not file an answer in the circuit court or a brief in this appeal.

dismissal denied him the right to a jury trial and contravened its earlier order granting him a judgment of default. We do not agree.

To begin, the circuit court did not enter a judgment of default in Wiggins’ favor; rather, the court granted Wiggins’ motion for an order of default, but later, consistent with Maryland Rule 2-613(f), denied his request to enter a default judgment. That rule states, in pertinent part, that “the court, upon request, may enter a judgment by default that includes a determination as to the liability and all relief sought, **if it is satisfied...that it has jurisdiction to enter the judgment[.]**” *Id.* (Emphasis added). Clearly, the court concluded that it did not have jurisdiction to enter default judgment and dismissed Wiggins’ complaint for lack of jurisdiction.

Section 4-401 of the Courts and Judicial Proceedings Article of the Maryland Code states that the District Court has “exclusive original civil jurisdiction in...[a]n action involving landlord and tenant[.]” Although some of the claims for relief in Wiggins’ complaint refer to “declaratory relief” and “equitable relief,” his case against Johnson is essentially “an action involving landlord and tenant” and within the exclusive original jurisdiction of the District Court.<sup>3</sup> In short, a request for declaratory and equitable relief does not automatically deprive the District Court of its exclusive jurisdiction over such actions and confer jurisdiction on the circuit courts. Therefore, the circuit court did not err in dismissing Wiggins’ complaint on jurisdictional grounds. *See* Md. Code, Cts. & Jud.

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<sup>3</sup> *See* Md. Code, Cts. & Jud. Proc. § 4-402(a) (“**Except as provided in §§ 4-401 and 4-404 of this subtitle**, the District Court does not have equity jurisdiction.”) (Emphasis added); *See also* Md. Code, Cts. & Jud. Proc. § 4-402(c) (“The District Court does not have jurisdiction **to render a declaratory judgment.**”) (Emphasis added).

Proc. § 1-501 (“The circuit courts...[have] full common-law and equity powers and jurisdiction in all civil and criminal cases...**except where by law jurisdiction has been limited or conferred exclusively upon another tribunal.**”) (Emphasis added). Furthermore, that dismissal would not preclude Wiggins from seeking a jury trial, provided he proceeds with his action in District Court. Md. Code, Cts. & Jud. § 4-402(e)(2).

And, even if Wiggins’ request for a declaratory judgment had not been denied on jurisdictional grounds, the refusal to issue a declaratory judgment in this case would not constitute error. One of the main purposes of a declaratory judgment is “to render practical help in **ending controversies which have not reached the stage where other legal relief is immediately available.**” *Davis v. State*, 183 Md. 385, 388-89 (1944) (emphasis added). In other words, declaratory relief “is designed to supplement, not supersede, existing remedies at law and in equity, and accordingly where an immediate cause of action exists for which one of the existing remedies is available and adequate, a proceeding for a declaratory judgment is not appropriate[.]” *Id.* at 389; *See also Elvaton Towne Condominium Regime II, Inc. v. Rose*, 453 Md. 684, 710 (2017) (“The courts of this State ‘will refuse [to issue declaratory judgment] where another court has jurisdiction of the issue...or where another remedy will be more effective or appropriate under the circumstances.’”) (citations omitted). Here, an existing remedy was available to Wiggins in an action in the District Court.

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