

Circuit Court for Anne Arundel County
Case No. C-02-CV-23-000074

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 763

September Term, 2024

LATISHA WRIGHT

v.

NATASHA ABBOTT

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

JJ.

Opinion by Friedman, J.

Filed: October 31, 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 MD. RULE 1-104(a)(2)(B).

Appellant Latisha Wright challenges the order of the Circuit Court for Anne Arundel County granting summary judgment in favor of appellee, Natasha Abbott. Wright contends that the circuit court erred because it granted summary judgment without the necessary facts to support its decision. We hold that the circuit court did not err and affirm.

BACKGROUND

Wright is married to Abbott's ex-husband. According to Abbott, Wright portrayed herself as a legal agent and repeatedly contacted Abbott's workplace to obtain Abbott's personal and financial information, which Wright would later post on social media. In 2018, in response to Wright's alleged conduct, Abbott initiated criminal proceedings and successfully petitioned for a civil peace order against Wright. According to Abbott, Wright's conduct continued and in 2020, Abbott again filed criminal charges and obtained a civil peace order against Wright.¹

Wright then filed this suit in the Circuit Court for Anne Arundel County in 2023 alleging malicious use of process.² Abbott moved for summary judgment. Wright filed an

¹ The disposition of the 2018 and 2020 criminal cases is not completely clear. From what we can gather, Wright was arrested for harassment in 2018, and her charges were placed on a stet docket. Ultimately, the State filed a nolle prosequi in 2020 and 2022 for Wright's respective 2018 and 2020 charges.

² In her appeal, Wright alleges that she has also pleaded claims for stalking, harassment, and malicious prosecution. These claims, however, were not sufficiently raised or argued before the circuit court. We are thus precluded from addressing these arguments for the first time on appeal. MD. R. 8-131(a) ("Ordinarily, [this] court will not decide any ... issue unless it plainly appears by the record to have been raised in and decided by the trial court."). Even if she had raised these claims, however, she could not successfully maintain actions for harassment, stalking, or malicious prosecution. *First*, stalking is a crime, not a civil tort, and it does not provide a private right of action. MD. CODE,

opposition. The circuit court heard arguments on the motion.³ The circuit court found that Wright could not prove malicious use of process as a matter of law. Ruling from the bench, the circuit court granted the motion and dismissed the case. Wright noted this timely appeal.

DISCUSSION

Wright argues that the circuit court erred in granting summary judgment on her malicious use of process claim because there were no facts to support the grant of summary judgment.⁴ Malicious use of process claims concern whether the defendant initiated

CRIMINAL LAW (“CR”) § 3-802 (describing the elements of stalking). *Second*, harassment is also a crime without a private right of action. CR § 3-803 (describing the elements of harassment). *Third*, malicious prosecution, which concerns the improper initiation of criminal proceedings against the plaintiff, is inapplicable to the civil peace orders issued against Wright. *Hines v. French*, 157 Md. App. 536, 553 (2004) (describing malicious prosecution).

³ The circuit court at times described Abbott’s motion as both a motion for summary judgment and a motion to dismiss. In practice, however, the circuit court reviewed the motion as one for summary judgment. If a party presents factual matters or allegations outside the pleadings on a motion for summary judgment or motion to dismiss and the circuit court does not exclude those matters, then the motion is treated as one for summary judgment. MD. R. 2-322(c); *D’Aoust v. Diamond*, 424 Md. 549, 573 (2012). Here, Wright filed an opposition to Abbott’s motion for summary judgment and attached an exhibit to the motion. Additionally, at the motions hearing, the parties presented allegations outside of their pleadings involving the disposition of the peace orders issued against Wright. Because the affidavit and the allegations at the motions hearing were presented to and not excluded by the circuit court, the circuit court treated the motion as one for summary judgment. *D’Aoust*, 424 Md. at 573-74. Accordingly, so do we.

⁴ Wright also claims that Abbott filed her motion for summary judgment after the deadline for dispositive motions stated in the scheduling order in the circuit court. Litigants may not file motions for summary judgment after the deadline for dispositive motions in a scheduling order has passed unless they obtain permission from the circuit court. MD. R. 2-501(a). Here, Abbott filed the motion for summary judgment several months after the deadline for dispositive motions. We reject Wright’s argument, notwithstanding Abbott’s

frivolous civil proceedings against the plaintiff. *Charles v. Charles*, 265 Md. App. 631, 654 (2025). To succeed on a malicious use of process claim, the plaintiff, here, Wright, must prove, among other things, that the civil proceeding of which they complain terminated in their favor. *Id.*

A court may grant summary judgment on a claim if there is no genuine dispute of material fact and if the movant is entitled to judgment as a matter of law. MD. R. 2-501(f). To determine whether there is a genuine dispute of material fact, a court must look to “facts admissible in evidence,” such as those in affidavits or deposition testimony. *George v. Baltimore Cnty.*, 463 Md. 263, 274 (2019). A court’s judicial notice of a fact is also a fact admissible in evidence. MD. R. 5-201(b)(2) (explaining judicial notice); see *Lerner v. Lerner Corp.*, 132 Md. App. 32, 40 (2000) (“The doctrine of judicial notice substitutes for formal proof of a fact.”). A court may take judicial notice, as relevant here, of court orders. *In re H.R.*, 238 Md. App. 374, 401-02 (2018) (“[P]ublic records such as court documents” are some of the most common “types of information [that] can fall under the umbrella of judicial notice.” (citation omitted)).

untimely filing, for two reasons. *First*, this argument was not raised in or decided by the circuit court and, as a result, is waived on appeal. MD. R. 8-131(a). *Second*, even if the circuit court erred in considering the motion, Wright failed to meet her burden to show that this error was prejudicial and thus reversible. *Shealer v. Straka*, 459 Md. 68, 102-03 (2018) (describing prejudice). Wright had 15 days to respond to the motion for summary judgment before the date set for trial. Given that 15 days is the standard time permitted to file responses to motions under the Maryland Rules, Wright had ample time to respond. MD. R. 2-311(b). And, Wright, in fact, filed her opposition to the motion within that window. Considering Wright had sufficient time, and did, file an opposition to the motion for summary judgment, she was not prejudiced by the circuit court considering the late-filed motion for summary judgment.

In her complaint, Wright alleged that Abbott had petitioned for civil peace orders against her in 2018 and 2020. At the hearing on the motion for summary judgment, the circuit court took judicial notice of these peace orders issued against Wright. This satisfied the evidentiary requirement to determine whether there was a genuine dispute of material fact. As a result, no affidavit was necessary to support the fact that the peace orders did not terminate in Wright’s favor. Accordingly, the circuit court determined that there was no genuine dispute of this material fact and granted summary judgment for Abbott as a matter of law.⁵

As a result, the circuit court did not err in granting summary judgment on Wright’s malicious use of process claim.⁶

**JUDGMENT OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY IS
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

⁵ Wright accuses the circuit judge of failing to act impartially during the motions hearing because the circuit judge allegedly “allowed [Abbott] to ambush ... Wright with [her] deficient [motion] and confusing statements.” This argument was not raised in a motion for recusal or orally at the motions hearing, and it was not decided by the circuit court. As a result, it is waived. MD. R. 8-131(a).

⁶ Wright also argues that the circuit court erred in setting the case for a bench trial rather than a jury trial. Because summary judgment was properly granted for Abbott, however, we need not address this argument.