Circuit Court for Prince George's County
Case No.: CAEF16-40193

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 895

September Term, 2024

MICHELLE QUARLES

v.

BROWN, SAVAGE, BRITTO,
STITELY AND CALLAHAN

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 17, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In November 2016, Kristine D. Brown, *et al.*, acting as Substitute Trustees,[1] filed an Order to Docket, in the Circuit Court for Prince George's County, seeking to foreclose on real property owned by Appellant Michelle Quarles. The property was ultimately sold to Appellee Cabana Properties III, LLC—a third-party purchaser—at a foreclosure auction in January 2020. The sale was later ratified and affirmed. *See Michelle Quarles, et al. v. Kristine D. Brown, et al.*, No. 958, Sept. Term, 2020 (unreported opinion) (filed May 5, 2022). Two years of proceedings irrelevant to this appeal followed.

Eventually, on May 2, 2024, Cabana moved for a judgment awarding possession. Quarles opposed on May 17. At 3:45 p.m. that same day, she filed, in the circuit court, a "Notice of Removal to United States District Court." Ten minutes later, she filed the notice in the United States District Court for the District of Maryland. On May 20, the circuit court entered a judgment awarding possession to Cabana. Then, on May 28, Quarles refiled, in the circuit court, her notice of removal and moved to alter or amend the judgment. The United States District Court ultimately remanded the case to the circuit court on July 1. Two days later, the circuit court denied Quarles's revisory motion. The same day, Cabana requested a writ of possession, which the court issued, and Quarles appealed.

On appeal, Quarles raises three issues, which we rephrase: (1) that the Substitute Trustees lacked the right to foreclose; (2) that the sale was not properly ratified; and (3) that the circuit court lacked jurisdiction to enter a judgment of possession. The first two issues are barred by the law-of-the-case doctrine because they were or could have been raised and

[1] Substitute Trustees are Kristine D. Brown, William M. Savage, Gregory N. Britto, and Lila Stitely.

decided in Quarles's earlier appeal challenging the ratification. *See Baltimore Cnty. v. Baltimore Cnty. Fraternal Ord. of Police, Lodge No. 4*, 220 Md. App. 596, 659 (2014). Thus, we decline to address them.

As for Quarles's remaining issue, she contends that the circuit court lacked jurisdiction to enter the judgment awarding possession because she had removed the case to federal court.[2] We disagree.

The procedure for removal of civil actions is spelled out in 28 U.S.C.A. § 1446. *First*, the party seeking removal files a notice of removal in federal court. 28 U.S.C.A. § 1446(a). *Second*, "[p]romptly *after* the filing of such notice of removal[,]" the party gives written notice thereof to all adverse parties and files a copy of the notice with the state court. 28 U.S.C.A. § 1446(d) (emphasis added). Removal is effected only after both steps are completed. *Id.* Once a case is removed, "the State court shall proceed no further unless and until the case is remanded." *Id.* At that point, "[t]he state court [has] los[t] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment are not simply erroneous, but absolutely void." *Roman Cath. Archdiocese of San*

[2] In its brief, Cabana argues that Quarles's appeal is timely only as to the denial of her motion to alter or amend—not the underlying judgment awarding possession. Although our appellate courts have not had the chance to decide the effect of removal upon the time limitations of Maryland Rule 8-202, other courts have held that removal tolls similar statutory limitations for the filing of an appeal. *See Hartlein v. Illinois Power Co.*, 151 Ill. 2d 142, 155 (1992) (collecting cases). *Cf. Ferrell v. Young*, 323 Ga. App. 338, 339–40 (2013) (holding that removal tolled the time for filing a responsive pleading). That said, Quarles's jurisdictional argument would be properly raised regardless of whether her appeal was from the underlying judgment or from only the denial of her revisory motion. *See Claibourne v. Willis*, 347 Md. 684, 692 (1997). Thus, because our analysis would be the same, we need not resolve this timing issue.

Juan, Puerto Rico v. Acevedo Feliciano, 589 U.S. 57, 63–64 (2020) (*per curiam*) (cleaned up). "If there is any time period between the filing of the notice of removal in federal court and its filing in state court, [however,] concurrent jurisdiction exists." *Holmes v. AC & S, Inc.*, 388 F. Supp. 2d 663, 667 (E.D. Va. 2004).

Here, Quarles filed a notice of removal in both the circuit court and the federal court on May 17. But the record shows that she filed the notice in the circuit court *before* filing it in federal court. That timing is critical. The plain language of 28 U.S.C.A. § 1446(d) makes clear that the notice must be filed in the state court "[p]romptly *after* the filing of such notice of removal" in the federal court. (Emphasis added.) Only then will removal be effected. Thus, Quarles's purported notice of removal filed in the circuit court on May 17 did not accomplish anything. The case was not removed until Quarles completed § 1446's procedure on May 28 by filing in the circuit court a notice of removal after she had filed the notice in the federal court. Until then, the circuit court retained concurrent jurisdiction to continue its proceedings. *See Holmes,* 338 F. Supp. 2d at 667. The court thus had jurisdiction to enter a judgment awarding possession to Cabana on May 20. Because Quarles raises no other arguments about whether the court erred in awarding possession, we shall affirm its judgment.

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