

Circuit Court for Baltimore County  
Case No. C-03-CV-20-001468

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1034

September Term, 2020

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CHARLENE R. STAFFORD

v.

PHILIP AL-MATEEN

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Graeff,  
Zic,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: November 2, 2021

\*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.

Charlene R. Stafford, appellant, and Philip Al-Mateen, appellee, are both children of Sylvia Stafford, who passed away in 1997. In March 2020, appellant filed a complaint in the Circuit Court for Baltimore County, claiming that a 1989 codicil to her mother’s Last Will and Testament, which removed appellant as co-legatee of her mother’s personal and real property, was “fraudulent.” Appellant also accused appellee of unspecified “non-compliant criminal behavior toward the Will.” Appellee filed a motion to dismiss on the grounds that the complaint was barred by the statute of limitations and the doctrine of res judicata. In support of that motion, appellee attached several orders from the circuit court and the Orphan’s Court, that had denied previous attempts by appellant to set aside the codicil.

On September 21, 2020, the court held a hearing on the motion to dismiss. At the outset of the hearing, appellant indicated that she had not received a copy of the motion to dismiss. The court then provided her with a copy of the motion to dismiss in open court. The court informed appellant, in deciding the motion, it was only considering “a very narrow question of law” specifically, “how this case was any different than the claims” she had previously raised. Appellant did not request a continuance or indicate that she was unprepared to address the motion to dismiss. After hearing from appellant, the court found that appellant’s complaint did not “rise to the level of stating a claim” upon which relief could be granted. The court further found that “to the extent that the claim . . . [could] be recognized at all, it [was] the same claim that’s been made many times in this court and elsewhere” and therefore, it was barred by the doctrine of res judicata. Consequently, the court granted appellee’s motion to dismiss. This appeal followed.

Appellant’s sole claim on appeal is that the court erred in considering the motion to dismiss because she had not received a copy of the motion prior to the hearing and “was not prepared to go forward with [her] case.” However, as previously noted, appellant did not request a continuance or otherwise indicate to the court that she was not prepared to go forward with the hearing on the motion to dismiss. Consequently, this contention is not preserved for appellate review. *See* Maryland Rule 8-131(a).

Moreover, even if the issue had been preserved, appellant has failed to demonstrate how she was prejudiced by the court’s decision to proceed with the hearing on the motion to dismiss. *See Barksdale v. Wilkowsky*, 419 Md. 649 660 (2011) (noting that “the burden to show error in civil cases is on the appealing party to show an error that caused prejudice”). In her brief, appellant asserts that she could have “summoned witnesses and introduced documents to prove the allegations in [her] petition” if the hearing had been continued. However, she does not identify those witnesses or documents. More importantly, she does not indicate how that unspecified evidence might have altered the court’s decision to dismiss her complaint.<sup>1</sup> In fact, at no point does appellant’s brief address the court’s findings that her complaint failed to state a claim upon which relief could be granted and was barred by the doctrine of *res judicata*. Consequently, appellant

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<sup>1</sup> We further note that it is unlikely that the court would have allowed her to present testimony or documentary evidence at a hearing on the motion to dismiss, given that the issues raised in the motion were entirely legal in nature.

has failed to demonstrate that the court committed prejudicial error in considering the motion to dismiss.

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