

Circuit Court for Harford County  
Case No. 12-C-96-027303

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1043

September Term, 2019

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ALVIN K. HOLLAND, JR.

v.

BOBBIE JO CANTLER

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Arthur,  
Beachley,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 4, 2020

\*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.

In this appeal from a custody action in the Circuit Court for Harford County, Alvin K. Holland, Jr., appellant, challenges the denial of his motion for various relief related to the collection of child support (hereinafter “motion for relief”). For the reasons that follow, we shall affirm the judgment of the circuit court.

In October 1998, Bobbie Jo Cantler, appellee, filed against Mr. Holland an “Amended Petition to Modify Custody and Visitation and Petition for Child Support and Contempt.” In May 1999, the court issued a *pendente lite* order in which the court ordered Mr. Holland to “pay unto [Ms. Cantler] through the Bureau of Support Enforcement of Harford County the sum of \$50.00 per week.” In July 1999, the court issued an order in which the court stated that Mr. Holland had “not complied with the Support Order . . . and [was] in arrears,” and ordered that Mr. Holland appear “to show cause why [he] should not be held in contempt for failure to comply with the Support Order and why said child support arrearage should not be extended to Judgment.” In May 2000, the court issued a second such order.

In June 2000, the court issued an “Earnings Withholding Order,” in which the court ordered Mr. Holland’s employer to “withhold and forward support payments from [Mr. Holland’s] earnings” in the amount of \$50.00 per week for child support, and an additional \$12.50 per week for arrearages in child support. The order further stated: “DO NOT . . . discontinue any deduction under the schedule for current support unless the [c]ourt so orders or . . . you are unable to deliver the payments.” Mr. Holland indicated his consent to the order by signing it.

In July 2003, a petition for contempt was filed against Mr. Holland, and the court again ordered that he appear “to show cause why [he] should not be held in contempt for failure to comply with the Support Order and why said child support arrearage should not be extended to Judgment.” On April 21, 2005, the court issued an order in which it stated:

The issues stated in the Petition for Contempt, filed by the Bureau of Support Enforcement, now known as the Office of Child Support Enforcement, have been resolved;

It is thereupon, this 21<sup>st</sup> day of April, 2005, by the Circuit Court for Harford County,

ORDERED, that the above-captioned matter be and hereby is DISMISSED, and all final costs are waived.

In May 2019, Mr. Holland filed the motion for relief, in which he contended:

1. This case was DISMISSED BY THE COURT on April 21, 2005[.]
2. Since dismissal, there has been no ORDER re-establishing collections for child support in this case.
3. Since dismissal, the Office of Support Enforcement has collected more than \$27,000.00 from [Mr. Holland].
4. Neither [Ms. Cantler] or [Mr. Holland] resided in Maryland at the time this dismissed case was allegedly re-opened. Neither submitted any petition to re-open collections in this dismissed case.
- [5]. [Mr. Holland] was not served legal summons and notice after the dismissal of this case on April 21, 2005, and therefore the court lacked personal jurisdiction over [him].

Mr. Holland requested “an order to . . . vacate [the] order in this case and matter;<sup>1</sup> . . . immediately cease and desist all collections; . . . immediately restore, with due interest

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<sup>1</sup>Mr. Holland did not specify the order of which he desired vacation.

thereupon, all wages and refunds unlawfully collected from [him]; . . . and . . . any other equitable relief in law [he] may be entitled to.” Mr. Holland further requested a hearing on the motion.

On June 19, 2019, the Harford County Child Support Administration (hereinafter “CSA”) filed a “Motion to Extend Time to Respond to Defendant’s Motion to Vacate” (hereinafter “motion to extend time”). The CSA contended that “due to the somewhat recent transition to electronic filing and record keeping, the [c]ourt’s original records for this case are now stored in Archives in Annapolis, and as a result are not readily available for the [CSA] or the [c]ourt to review.” On June 20, 2019, the court granted the motion to extend time. On June 28, 2019, Mr. Holland filed a response to the motion to extend time. On July 2, 2019, the CSA filed its response to the motion for relief. On July 8, 2019, the court denied the motion for relief.

Mr. Holland contends that, for numerous reasons, the court erred in denying the motion for relief “without providing [him] a hearing on the matter as required under Rule 2-311(f)” (“the court may not render a decision that is dispositive of a claim or defense without a hearing if one was requested”), and abused its discretion in granting the motion to extend time and “denying him of his due process rights pursuant to the law governing default judgments.” We disagree. Mr. Holland does not dispute that he filed the motion for relief “pursuant to Rule 2-535(b)” (“[o]n motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity”), and we have stated that “[n]othing in the Maryland Rules requires a hearing when a motion to revise a judgment based on ‘fraud, mistake, or irregularity’ is denied.”

*Shih Ping Li v. Tzu Lee*, 210 Md. App. 73, 116 (2013). Also, the Court of Appeals has stated that “[a]ppellate courts of this State will not reverse a lower court judgment for harmless error: the complaining party must show *prejudice* as well as *error*.” *Sumpter v. Sumpter*, 436 Md. 74, 82 (2013) (internal citation and quotation marks omitted) (emphasis in original). Here, Mr. Holland would not have been entitled to relief, including default judgment, because the factual assertion on which his motion for relief is based, specifically that the court’s April 21, 2005 order dismissed the entirety of the action against him, is false. At the time of the order, the only pleading that was pending before the court was a petition for contempt. Neither Ms. Cantler, Mr. Holland, nor the then-Office of Child Support Enforcement had filed a motion to terminate or otherwise modify the child support order. Also, the court did not simultaneously issue an order to Mr. Holland’s employer to discontinue the deduction under the schedule for support. In light of these circumstances, it is clear that the court dismissed not the entirety of the action, but only the July 2003 petition for contempt. Hence, the court did not abuse its discretion in granting the motion to extend time, and did not err in denying the motion for relief.

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