UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1094

September Term, 2014

KATHLEEN M. PUSHECK

v.

C.A. LINDMAN, INC., et al.

Meredith,
Hotten,
Leahy,

JJ.

Opinion by Hotten, J.

Filed: June 12, 2015

Appellant, Kathleen M. Bonneau Pusheck,[1] filed a complaint in the Circuit Court for Howard County against appellees, C.A. Lindman ("Lindman"), Miles & Stockbridge, P.C. ("M&S"), and Matthew J. Pavlides, Esq. ("Mr. Pavlides") alleging marital status discrimination, civil conspiracy, and legal malpractice. Appellees filed a motion to dismiss and requested a hearing. The circuit court granted appellees' motion and dismissed appellant's complaint with prejudice. Thereafter, appellant filed a motion to reconsider, revise, and/or alter judgment, which the court denied. Appellant noted a timely appeal and presented four questions[2] for our consideration, which we have consolidated and rephrased for clarity:

[1] Appellant's maiden name was restored to Kathleen Bonneau.

[2] The original questions presented from appellant stated:

I. Did the lower court err in dismissing [a]ppellant's marital status employment discrimination claim against [a]ppellees despite her allegations that after her separation from her employer's majority owner, [a]ppellees created a hostile work environment and ultimately terminated her?

II. Did the lower court err in dismissing [a]ppellant's legal malpractice claims against her former attorneys who provided confidential estate planning services to her, then later unlawfully discriminated against her based on her marital status and had access to confidential information obtained from prior representation when representing her husband's company during the divorce case?

III. Did the lower court err in dismissing [a]ppellant's civil conspiracy claim against [a]ppellees, when she alleged that they unlawfully conspired to cause her harm?

IV. Did the lower court err in denying [a]ppellant's motion to alter, amend, or revise judgment?

I. Whether the circuit court erred when it granted appellees' motion to dismiss?

II. Whether the circuit court erred when it denied appellant's motion to alter, amend or revise judgment?

For the foregoing reasons, we shall affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL HISTORY

Appellant and Robert Pusheck ("Mr. Pusheck") were married from November 28, 1992 until December 26, 2013.[3] Mr. Pusheck is the majority shareholder and President of Lindman, Inc., a Howard County contracting firm. For several years, Mr. Pusheck supervised appellant while she performed as Lindman's corporate secretary and administrator. Mr. Pusheck departed from the marital home in February 2012 as part of the terms of a settlement for protection from domestic violence petition filed by appellant.

During the pendency of the divorce proceedings and in light of the domestic violence petition, Jeff Procter ("Mr. Procter"), Lindman's Vice President, sent appellant a letter on February 28, 2012, informing her that she would be reporting to the Board of Directors in lieu of Mr. Pusheck.[4] On March 2, 2012, appellant was notified that she would specifically be reporting to Mr. Pavlides, a principal at M&S.[5] Appellant reported

[3] The Circuit Court for Howard County entered a judgment of absolute divorce on December 26, 2013.

[4] In her complaint, appellant stated that the letter inaccurately referred to her position as involving "general office tasks" for "35 hours each week" instead of as a salaried administrator.

[5] Mr. Pavlides is also the general counsel for Lindman and is Mr. Pusheck's personal attorney and friend.

to Mr. Pavlides, by email daily, the number of hours she worked and specific tasks she performed. Appellant claimed that she was not required to report the tasks she performed in the past and that for the first time, Mr. Pavlides instituted a 40 hour work week requirement.

The complaint alleged that the change in supervision created a hostile work environment. Appellant claimed that supervisors and officers stopped speaking to her and that Lindman and M&S attempted to create a negative work environment to encourage her to quit. In November 2012, Suzzane W. Decker, Esq., an attorney from M&S, sent appellant a letter expressing concern about appellant's absences and threatened "additional discipline up to and including discharge." Appellant alleged that the letter did not reflect that she was in divorce mediation for three days. Additionally, the letter stated that appellant's vacation benefits were limited to two weeks and appellant indicated this was an error because she and Mr. Pusheck took more than four weeks of vacation annually prior to the separation. Furthermore, appellant stated that Lindman permitted her to take time to transport her sons to "medical and other appointments, attend school events, *etc.*" and that now her time with the children's activities were limited because of M&S's supervision.

On January 11, 2013, appellant filed a charge of discrimination with the Howard County Office of Human Rights against Lindman and M&S, alleging "employment

discrimination on the bases of 'sex' and 'marital status.'" Appellant was terminated from Lindman, on April 23, 2013.[6]

Appellant filed a complaint in the Circuit Court for Howard County on March 5, 2014, alleging marital status employment discrimination against Lindman and M&S, legal malpractice against M&S and Mr. Pavlides, and civil conspiracy against Lindman and M&S. She specifically alleged that M&S and Lindman violated Howard County and Maryland law, which prohibited employment discrimination on the basis of marital status because of her separation from Mr. Pusheck. Her legal malpractice claims were regarding Mr. Pavlides' and M&S's "subsequent representation of (1) Lindman in [a]ppellant's divorce from Mr. Pusheck, and (2) Lindman in employment matters." The civil conspiracy claims were premised upon Lindman and M&S unlawfully conspiring against her by engaging in marital discrimination.

Appellees M&S and Mr. Pavlides jointly filed a motion to dismiss and appellee Lindman filed a motion to dismiss. After a hearing, the circuit court dismissed all of appellant's claims and granted the appellees' respective motions to dismiss. Thereafter, appellant filed a motion to alter, amend, or revise the judgment, which the court denied.

Appellant noted a timely appeal. Additional facts shall be provided, *infra*, to the extent they prove relevant in addressing the issues presented.

[6] Appellant's complaint does not indicate any specifics regarding how her employment was terminated.

STANDARD OF REVIEW

The standard of review for the grant of a motion to dismiss is *de novo*. Under this standard, appellate courts determine "whether the trial court was legally correct." *Britton v. Meier,* 148 Md. App. 419, 425 (2002) (quoting *Fioretti v. Md. State Bd. of Dental Exam'rs,* 351 Md. 66, 71 (1998)). "When ruling on a motion to dismiss, 'consideration of the universe of 'facts' pertinent to the court's analysis of the motion are limited generally to the four corners of the complaint and its incorporated supporting exhibits, if any.'" *D'Aoust v. Diamond,* 424 Md. 549, 572 (2012) (quoting *Converge Servs. Grp., LLC v. Curran*, 383 Md. 462, 475 (2004)). In that regard, this Court indicated:

> In reviewing the grant of a motion to dismiss, we must determine whether the complaint, on its face, discloses a legally sufficient cause of action. In reviewing the complaint, we must presume the truth of all well-pleaded facts in the complaint, along with any reasonable inferences derived therefrom. Dismissal is proper only if the facts and allegations, so viewed, would nevertheless fail to afford plaintiff relief if proven.

1000 Friends of Maryland v. Ehrlich, 170 Md. App. 538, 545 (2006) (internal quotations and citations omitted).

Generally, "the denial of a motion to alter or amend a judgment or for reconsideration is reviewed by appellate courts for abuse of discretion." *Miller v. Mathias*, 428 Md. 419, 438 (2012) (quotations and citations omitted). Appellate courts have determined that an abuse of discretion occurs:

> [W]here no reasonable person would take the view adopted by the [trial] court [ ]. . . or when the court acts without reference to any guiding principles. An abuse of discretion may also be found where the ruling under consideration is clearly against the logic and effect of facts and inferences before the court [ ]. . . or when the ruling is violative of fact and logic.

> Questions within the discretion of the trial court are much better decided by the trial judges than by appellate courts, and the decisions of such judges should be disturbed where it is apparent that some serious error or abuse of discretion or autocratic action has occurred. In sum, to be reversed [t]he decision under consideration has to be well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.
>
> An abuse of discretion, therefore, should only be found in the extraordinary, exceptional, or most egregious case. Given that the abuse of discretion standard makes generous allowances for the trial court's reasoning, we grant great deference to that court's conclusion and uphold it unless it is apparent a serious error has occurred.

Cent. Truck Ctr., Inc. v. Cent. GMC, Inc., 194 Md. App. 375, 398 (2010) (internal quotations and citations omitted).

DISCUSSION

I.

Appellant asserts that M&S and Lindman violated § 12.208 of the Howard County Code and Md. Code (1984, 2014 Repl. Vol.) § 20-606 of the State Government Article [hereinafter "State Gov't"]. Section 12.208(I)(a) of the Howard County Code defines discrimination/discriminatory as:

> [A]cting or failing to act, or unduly delaying any action regarding any person because of: Race, Creed, Religion, Disability, Color, Sex, National origin, Age, Occupation, *Marital status*, Political opinion, Sexual orientation, Personal appearance, Familial status, or Gender identity or expression in such a way that such person(s) are adversely affected in the area of employment. Discrimination does not include providing services or accommodations to employees that are distinctly personal or private in nature.

(emphasis added). Section 12.208(II)(b) of the Howard County Code defines unlawful acts of employers:

> It shall be unlawful if, because of discrimination, an employer:
>
> (1) Discharges a person; or
> (2) Refuses to hire a person; or
> (3) Acts against a person with respect to compensation or other terms and conditions of employment; or
> (4) Limits, segregates, classifies or assigns employees.

Discrimination practices are also contrary to Howard County public policy. *See Id.* § 12.200(II-III).

State Gov't § 20-606 (a) indicates:

> (a) *Employers.*—An employer may not:
>
> > (1) fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of:
> >
> > > (i) the individual's race, color, religion, sex, age, national origin, *marital status,* sexual orientation, gender identity, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or. . . .
> >
> > (2) limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee because of:
> >
> > > (i) the individual's race, color, religion, sex, age, national origin, *marital status,* sexual orientation, gender identity, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or. . . .

(emphasis added).

Appellant alleges a violation because her employers, Lindman and M&S, created a negative work environment and terminated her employment when she separated from Mr.

Pusheck. We conclude that appellant failed to present sufficient evidence of a violation of law.

Marital status discrimination claim

Neither the Howard County Code nor the Maryland State Code define "marital status" within the context of employment discrimination. However, the Court of Appeals analyzed the term in Maryland's housing discrimination statute, at the time of trial, in *Maryland Com'n on Human Relations v. Greenbelt Home, Inc.*, 300 Md. 75 (1984). Maryland cases make clear that "when interpreting a statute, if the language is plain, unambiguous and has a definite and sensible meaning, that meaning is presumed to be that intended by the legislature." *Id.* at 83 (citation omitted). The Court of Appeals determined that "'marital status' connotes whether one is married or not married." *Id.*

Appellant contends that this definition of "marital status" was legislatively overturned by Maryland Code (1957, 1979 Rep. Vol.) Art. 49B, §20, recodified as State Gov't § 20-701. The definition of marital status regarding housing discrimination "means the state of being single, married, separated, divorced, or widowed." State Gov't § 20-701(h).

Maryland case law does not provide much guidance on the issue before us, therefore appellant urges us to consider cases in other states that define "marital status" as being identity based. In *Washington Water Power Co. v. Washington State Human Rights Comm'n*, 91 Wash.2d 62 (1978), Washington's Supreme Court held that an anti-nepotism policy was prohibited by statute and therefore, it was unfair practice to refuse to hire any

person based on that person's marital status. *Id.* at 70. The court described the employment policy of "anti-nepotism" stating:

> Where a policy of this kind is adopted, the employer refuses to hire a spouse of an employee, and when two employees marry each other, one of the two is terminated. Some employers who have adopted this policy, among them the respondent, give the married couple an opportunity to decide which spouse will be discharged. [] Where such policies are in effect, the refusal to hire an applicant and the discharging of a spouse is done without any consideration being given to the actual effect of the marital relationship upon the individual's qualifications or work performance.

Id. at 64. The regulation in the case described "marital status" discrimination as:

> [D]iscrimination against an employee or applicant for employment because of (a) what a person's marital status is; (b) who his or her spouse is; or (c) what the spouse does, is an unfair practice because the action is based on the person's marital status.

Id.

In *Kraft, Inc. v. State*, 284 N.W.2d 386 (1979), part-time employees filed charges claiming marital discrimination against the company when they were denied full-time positions because they were married to full-time employees. *Id.* at 387. The Minnesota Supreme Court rejected the term "marital status" as one that is or is not married and instead determined that it embraced the identity or situation of one's spouse. *Id.* at 388. The court elaborated:

> Since [the company] does employ married, single and divorced individuals, to hold otherwise would condone discrimination against a portion of protected class, i.e., job applicants already married to full-time Kraft employees.
>
> * * *
>
> Endorsing a narrow definition of marital status and uncritically upholding an employment policy such as [the company's] could discourage similarly situated employees from marrying. . . . Such an employment policy

> would thus undermine the preferred status enjoyed by the institution of marriage.

Id.

The Montana Supreme Court held in *Thompson v. Bd. Of Trs.*, 192 Mont. 266 (1981), that the definition of the term "marital status" as used in the statutes governing discriminatory employment practices included "the identity and occupation of one spouse" and "whether one is married, single, widowed or divorced[.]" *Id.* at 270-71.

In *Ross v. Stouffer Hotel Co.*, 76 Haw. 454 (1994), an employee filed action against his employer, after his employee discharged him from his position in congruence with a policy prohibiting married people from working in the same department. *Id.* at 456. The Supreme Court of Hawaii determined that this policy violated the employment discrimination statute. *Id.* at 459. The court stated:

> That extremely restrictive reading of the statute ignores the simple fact of life that when a person marries, it is always to a particular person with a particular "identity." One does not "marry" in some generic sense, but marries a *specific person.* Thus, the "identity" of one's spouse (and all of his or her attributes, including his or her occupation) is implicitly subsumed within the definition of "being married." The two cannot be separated. It makes no sense, therefore, to conclude, as the dissent does, that an employer who discriminates based on the "identity and occupation" of a person's spouse is not also discriminating against that person because he or she is married. An employer can't do one without the other. Stated otherwise, a no-spouse policy, by definition, applies only to the class of married persons. Consequently, when an employer discharges an employee pursuant to such a policy, it necessarily discriminates "because of . . . [the employee's] marital status [.]"

Id. at 458.

The above cited cases all relate to anti-nepotism policies, which is not the situation presented in the case at bar. Here, the circuit court discussed appellant's protected class status, indicating:

> The issue before me is whether or not the [appellant] is a member of a protected class because she has to be a member of a protected class in order to proceed on discrimination under the Howard County Code and the State [A]rticle. And under Maryland Law it's impermissible to discriminate against a person because of their marital status and there is two ways to look at that. One way is the way [the] Court of Appeals did in Greenbelt Homes, that way and in that case, the question is, whether a person is married or not is what marital status means, rather than the consequences of a relationship to a specific individual. And consequences is the most important word in that provision. And I don't think that change in the statute which may have added separation or divorce or things like that really changes the intent of the Court of Appeals, and the force of the effect of the Court of Appeals in that comment in Greenbelt.
>
> The second way that you can have a marital status ostensibly is when there is a person who suffers because they are the spouse of somebody is an identity, the identity method and those are more often than not, discussed in the nepotism cases presented by the [appellant]. But they're also discussed in at least that one case that I found, that somebody gave me, the [d]efense or [appellant], MaGoo or Magog, which a spouse was fired because of the misconduct of her husband. And the common thread between all of those cases is, that the ascended party, the discriminated against party was suffered some harm from the employer because they were married to somebody. And again, that's an attack on the status of being married. It had nothing to do with the individual behavior or perceived individual behavior of the person who got fired who is offended. It was simply because he or she was married to somebody else who ran afoul of the nepotism policy or anti-nepotism policy or ran afoul of some company protocol.
>
> I'm not aware of any case where if an employer fires somebody that they are married to because they have an individual relationship issue between them that makes continued employment by that person not in the best interest of the company. There is no case law to that effect, in fact the case law dealing with factual settings in that area run to the contrary, whether or not its reported case law.

> In this case I don't think that the Complaint alleges that she was – that her treatment was the result of or was motivated by the [appellee's] views towards the institution of marriage or even . . . because of the individuals identity as the spouse of the others. It's clear that the – that this case is about the individual relationship in the way that I read the complaint, even when I read it assuming all the facts are well pled. And therefore, I'll grant the Motion to Dismiss Counts 1 and Counts 2.

Upon examination of the complaint and considering all the pleaded facts as true, we fail to see how appellant would fall into a protected class. Whether looking at it from the definition in *Greenbelt Homes* as the state of being married or unmarried, or the definition from the cited case law in various states and the Maryland housing discrimination statute as encompassing the identity and whether one is married, single, or divorced, appellant does not appear to have been discriminated against. The pleaded facts demonstrate that appellant was terminated because she became a disruption to a peaceful work environment. She was warned about her absences from employment and the new work policies implemented as a result of the change in her relationship with one of the owners, her now ex-husband. Appellant was not discharged when she and Mr. Pusheck separated. Instead she was supervised by someone else in order to create a peaceful work environment following her domestic violence complaint against Mr. Pusheck. This related to her personal relationship with Mr. Pusheck, and the change in circumstances. We agree with the circuit court that her termination did not relate to the institute of marriage and therefore, dismissal was proper.

The circuit court did not address the issue of whether M&S was considered a statutory employer, and neither will we. The marital discrimination counts were dismissed

because appellant was not considered a member of the protected class. Accordingly, whether M&S is an employer is irrelevant to our conclusion.

Legal malpractice claim

Appellant avers that the circuit court erred when it dismissed her malpractice counts against M&S and Mr. Pavlides because she alleges that she satisfied each element of the claims. She alleges that appellees acted adversely in representing Lindman, in discovery of her divorce litigation and advising Lindman concerning her employment relationship.

In order to establish a cause of action for malpractice, a plaintiff must allege: "1) the attorney's employment; 2) his neglect of a reasonable duty; 3) loss to the client proximately caused by that neglect of duty." *Noble v. Bruce*, 349 Md. 730, 739 (1998) (quoting *Flaherty v. Weinberg*, 303 Md. 116, 128 (1985)). Therefore, "we have recognized that a plaintiff in an attorney malpractice action must, as a threshold matter, 'allege and prove the existence of a duty between the plaintiff and the defendant.'" *Noble*, 349 Md. at 739 (quoting *Flaherty*, 303 Md. at 134).

Appellant alleges that "Mr. Pavlides caused Miles [and] Stockbridge to undertake estate planning on behalf of Mr. Pusheck and the [a]ppellant" and that "Mr. Pavlides and Miles & Stockbridge owed [a]ppellant the duty to not represent any other person in a same or substantially related matter in which that person's interests were materially adverse to the [a]ppellant's interest." Specifically appellant contends that M&S and Mr. Pavlides:

> First, they represented Lindman in Circuit Court for Howard County Case . . . in the matter captioned *Pusheck v. Pusheck* (hereinafter the "Divorce Case"). Second, they created a hostile work environment for the [a]ppellant at Lindman.

She alleges that M&S and Mr. Pavlides used her confidential, personal information, gained through estate planning, and engaged in unlawful employment practices because of her marital status.

We indicated above, that appellees did not engage in marital discrimination and therefore, appellant's contentions in that regard must fail. Additionally, appellant has failed to indicate what confidential or personal information was provided during the divorce case, which adversely affected her. The circuit court provided a detailed analysis regarding the issue, indicating:

> There's two areas in which, two separate areas in which the [appellant] alleges that they had a duty to her, they breached that duty and she was harmed. One area has to do with . . . the divorce case and how that divorce case was litigated and how that divorce case was ended and finished.
>
> A second area has to do with the way that she was treated at the office. In that area the allegations are all surrounding a hostile work environment and of course already dismissed the discrimination counts, finding that there is no discrimination action and that she is not a protected uh, she's not a member of a protected class. Having found that, I don't find that there can be a valid count of malpractice as it relates to the work environment as it's been pled.
>
> Then that leaves us to the second, the divorce. Now, I want to make sure that I put on the record my understanding of who represented who in the divorce, and who did what prior to the divorce. Mr. Pavlides is an attorney with Miles and Stockbridge. I think it's presented in the complaint he's a princip[al]. Mr. Pavlides did work for C.A. Lindman, Incorporated. Miles and Stockbridge did work for C.A. Lindman, Incorporated. They were primary corporate counsel is how Mr. Pavlides is characterized. That relationship was in existence prior to a point in time when Miles and Stockbridge did estate planning for the[m], I won't say happily married, Mr. and Mrs. Pusheck, but at least still married, Mr. and Mrs. Pusheck. And as such, if it was, I would agree with [appellant], if it was impermissible and a conflict for Mr. Pavlides to engage in estate planning, or if it was impermissible- if Mr. Pavlides is conflicted out now under this allegation,

then Miles and Stockbridge would be too. I think that that's an accurate statement.

Various information was given to the attorney by Mr. Pusheck for the estate planning. There is generalized allegation that it was financial and there was generalized allegation that it was personal. I have no difficulty with the concept it's confidential, but there's generalized statement's that financial and personal information was given to the attorney for the purpose of drafting wills and estate planning.

Later there came a divorce proceeding that would be in case 13-C-12-089859. Now let's be very clear of what I understand the roles of each of the parties and attorneys to be in the divorce proceeding. Mr. Pusheck was party to the divorce proceeding. He was not represented in the divorce proceeding and nobody's alleging that he was represented in the divorce proceeding by Miles and Stockbridge. Mrs. Pusheck was a party in the divorce proceeding and nobody's representing that she was represented by a member of Miles and Stockbridge.

C.A. Lindman was not a party to the divorce proceedings. C.A. Lindman was represented by Miles and Stockbridge. C.A. Lindman's involvement in the divorce proceeding is not specified in the complaint, but they are not parties. I know from my experience in cases, divorces such as this that the company, any company has a lawyer because number one, that's what the Maryland Rules require. They can't represent themselves. And number two, they don't have interests beyond confidentiality requirements under the law in these cases. Their interest is usually related to production of documents and things of that nature.

There's nothing that's been alleged, no action by Miles and Stockbridge on behalf of C.A. Lindman that's been alleged that occurred during most specific conduct that occurred during the course of the divorce proceedings. That is the focus of the difficulty. There are generalized allegations again, but no specific conduct noted.

I'll take judicial notice of the [c]ourt's records and I feel I'm entitled and permitted to take judicial notice of the [c]ourt's record in the divorce proceedings are integral to the allegations involved in Count Four of this case. So I'm taking judicial notice of 13-C-12-089859. And I repeat what I've already read into the record, that according to the [c]ourt's records on August 21[st], 2013, a settlement was reached, an agreement was reached. Testimony as grounds for divorce was placed on the record. Complaint for divorce was granted, there was an agreement.

> Further in that docket case history for the divorce case, there's no indication there was any litigation involving Miles and Stockbridge's role in representing the company in that proceeding.
>
> Additionally, there's no indication of what the harm that was done was, nor is there any indication of what was the information that Lindman through Miles and Stockbridge turned over to Mr. Pusheck in the divorce proceeding that Mr. Pusheck couldn't have received on his own. For example, they were married, they did estate planning, and maybe just maybe, they're in the meetings with [c]ounsel about the will. Mrs. Pusheck may have said, honey, will you step out of the room because I need to tell the lawyer about my special property that's premarital and I don't want you to know about. Or, some other information. There's no allegations that any of that occurred.
>
> Ordinarily . . . there's no allegations that because of Miles and Stockbridge relationship with her in drafting an estate planning that Mr. Pusheck received any information that he wouldn't have gotten through regular discovery any way. There's no allegations to support the generalized allegations of damages that are made.

Appellant contends that the circuit court erred by taking judicial notice of her settlement in the divorce and then considering that a waiver of the legal malpractice claim. We disagree. "Maryland Rule 5-201 provides that a court may take judicial notice of adjudicative facts." *Lerner v. Lerner Corp.*, 132 Md. App. 32, 40 (2000). The rule further provides that "[j]udicial notice may be taken at any stage of the proceedings." *Id.* Additionally, the court stated that it was dismissing the count "for failure to state a claim" and did not determine whether a waiver existed. Thus, we will not address the issue of waiver because we agree that the count was dismissed for failure to properly state a claim. Accordingly, we perceive no error by the circuit court.

Civil conspiracy claim

Appellant avers that her civil conspiracy claim against Lindman and M&S should not have been dismissed because they engaged in unlawful employment discrimination. Civil conspiracy was defined by the Court of Appeals as:

> [A] combination of two or more persons by an agreement or understanding to accomplish an unlawful act or to use unlawful means to accomplish an unlawful act not in itself illegal, with the further requirement that the act or means employed must result in damages to the plaintiff. The plaintiff must also prove the commission of an overt act, in furtherance of the agreement, that caused the plaintiff to suffer actual injury. The tort of civil conspiracy lies in the act causing the harm; the agreement to commit the act is not actionable on its own but rather is in the nature of an aggravating factor. . . . A participant in the conspiracy may be held liable civilly as long as some act was performed in furtherance of the conspiracy, even if performed by another participant.

Shenker v. Laureate Educ., Inc., 411 Md. 317, 351-52 (2009) (internal quotations and citations omitted).

Appellant has failed to demonstrate what actual "unlawful" acts appellees committed or "unlawful" means appellees employed to create a hostile work environment. We have already determined that appellees did not commit employment discrimination. Thus, no act was performed in furtherance of a conspiracy. The circuit court addressed the civil conspiracy claim stating:

> Having ruled on Counts 1 and 2 in the way that I have, then it's consistent and necessary in my mind to dismiss Count 3 also in that the tort that was the underlying – well in this case, it was discrimination allegations were the underlying focus of the conspiracy. And since they're gone, Count 3 needs to be dismissed also for those reasons.

Accordingly, we affirm.

II.

Lastly, appellant contends that the circuit court abused its discretion when it denied appellant's motion to alter, amend, and/or revise judgment. Appellant filed her motion pursuant to Md. Rule 2-534, which states:

> In an action decided by the court, on motion of any party filed within ten days after entry of judgment, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment. A motion to alter or amend a judgment may be joined with a motion for new trial. A motion to alter or amend a judgment filed after the announcement or signing by the trial court of a judgment but before entry of the judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.

Appellant contends that her proposed amended complaint included more specific factual details and a cease and desist letter. She maintains that her letter was submitted as evidence of her objection to M&S's appearance in the divorce litigation. The letter actually directed M&S, including its principals and associates, to cease and desist from continued direct communication with appellant as a represented party. Additionally, it stated:

> With respect to the notice of anticipated litigation against both C.A. Lindman and Miles & Stockbridge, P.C. and their principals and agents, you are requested and notified to preserve all documents concerning the firm's representation of C.A. Lindman and Mr. Pusheck including all internal communications and documents including those in electronic form.

As stated, *supra*, the circuit court dismissed the legal malpractice claim because it failed to state a claim and not because appellant waived appellees' presence. Additionally, appellant did not provide evidence that would have changed the court's dismissal. The circuit court was not required to grant a hearing or re-open the judgment. Accordingly, we perceive no error.

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