

Circuit Court for Baltimore County
Case No. C-03-CV-20-004108

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1112

September Term, 2021

CHARLES H. CARTER

v.

GARDAWORLD SECURITY SERVICES-US,
et al.

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

JJ.

PER CURIAM

Filed: May 4, 2022

*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.

Charles H. Carter, appellant, worked as a security officer for GardaWorld Security Services, appellee. After Mr. Carter was terminated from his employment, he filed a complaint in the Circuit Court for Baltimore County raising a number of state and federal claims against GardaWorld and his former supervisors. GardaWorld filed a notice of removal in the United States District Court for the District of Maryland. The United States District Court subsequently entered an order granting GardaWorld’s motion to dismiss Mr. Carter’s federal claims and remanding the state law claims back to the circuit court.

GardaWorld then filed a motion to dismiss the remaining state law counts on the grounds that the complaint failed to state a claim upon which relief could be granted. In response, Mr. Carter filed a “Motion in Opposition of Dismissal and Request for Summary Judgment” (motion for summary judgment). He also filed a “complaint” alleging that Nathaniel M. Glasser, Esq., one of GardaWorld’s attorneys, had engaged in the unauthorized practice of law by filing pleadings and motions without being licensed to practice law in Maryland. Following a hearing, the court granted the motion to dismiss.

On appeal, Mr. Carter raises six issues, which reduce to three: (1) whether the court erred in granting the motion to dismiss because GardaWorld failed to file a timely answer to his complaint; (2) whether the pleadings filed by GardaWorld, including the motion to dismiss, should have been stricken because, he claims, they were filed by an attorney who was not licensed to practice law in Maryland; and (3) whether the court erred in denying

his motion for summary judgment and “complaint” against Mr. Glasser without holding a hearing.¹ For the reasons that follow we shall affirm the judgment of the circuit court.

Mr. Carter first contends that the court erred in granting the motion to dismiss because GardaWorld failed to file a timely answer to his complaint. We disagree. Generally, a defendant is required to file an answer, a preliminary motion to dismiss, or a notice of removal to federal court within 30 days after being served with a copy of the complaint. *See* Maryland Rules 2-321 and 2-322; *see also* 28 U.S.C. § 1446. Mr. Carter effected service of the complaint on November 19, 2020. Therefore, GardaWorld was required to file a responsive pleading no later than December 21, 2020.²

GardaWorld’s notice of removal was filed on December 21, 2020. Thus, it was timely. And having filed a timely notice of removal, GardaWorld was not required to file any other response to the complaint in the circuit court until the proceedings in federal court were terminated. Those proceedings concluded on May 20, 2021 after the federal court entered its final judgment dismissing Mr. Carter’s federal claims and remanding the remaining state law claims back to the circuit court. Thereafter, GardaWorld’s time for filing an answer or preliminary motion in the circuit court was extended “to 15 days after

¹ We note that none of the questions presented in Mr. Carter’s brief address the merits of the motion to dismiss. Nor does Mr. Carter specifically contend that the court erred in finding that his complaint failed to state a claim upon which relief could be granted. Consequently, we do not address that issue on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (quotation marks and citation omitted)).

² The thirtieth day after November 19th fell on a Saturday. Therefore, GardaWorld had until Monday December 21, 2020 to file a responsive pleading.

entry of the court’s order on the . . . remand[.]” *See* Maryland Rule 2-321(c). Because GardaWorld filed its preliminary motion to dismiss on June 4, 2021, exactly fifteen days after the remand order was issued, that motion was timely filed. And having filed that motion, GardaWorld was not required to file an answer until the motion was decided by the circuit court. Consequently, we hold that GardaWorld filed a timely response to Mr. Carter’s complaint.

Mr. Carter next asserts that the motion to dismiss and other pleadings filed by GardaWorld should have been stricken because they were signed by Mr. Glasser, who he claims was not licensed to practice law in Maryland. Again, we disagree. Pursuant to Maryland Rule 1-311(a) every pleading of a party presented by an attorney must “be signed by at least one attorney who had been admitted to practice law in this State[.]” Having reviewed the record, we are persuaded that all pleadings filed by GardaWorld in this case complied with that Rule. On June 8, 2021, the court granted a motion for special admission allowing Mr. Glasser to represent GardaWorld in the case without the presence of Maryland counsel. Prior to that date, GardaWorld had only filed two pleadings in the circuit court, a Notice of Filing of Notice of Removal filed on December 21, 2020, and a Motion to Dismiss filed on June 4, 2021. And both of those pleadings were signed by a licensed Maryland attorney.³

³ The Notice of Filing of Notice of Removal was not signed by Mr. Glasser. The motion to dismiss contained Mr. Glasser’s name but it noted that his special admission was forthcoming.

Mr. Carter appears to take issue with the fact that Mr. Glasser signed and filed the Notice of Removal in federal court and then represented GardaWorld in the federal court proceedings. However, to practice law in federal court Mr. Glasser was not required to be a member of the Maryland Bar. Rather, he only had to be a member of the bar of the U.S. District Court for the District of Maryland, which he was at all relevant times during the removal proceedings. Consequently, he was allowed to sign and file pleadings in federal court on GardaWorld's behalf.

Finally, Mr. Carter asserts that the court erred in not holding a hearing on his motion for summary judgment and his complaint against Mr. Glasser. However, the court held a hearing on the motion to dismiss. And during that hearing it heard arguments from Mr. Carter as to why the motion should not be granted, including his claim that Mr. Glasser was engaging in the unauthorized practice of law. Moreover, having determined during that hearing that Mr. Carter's complaint failed to state a claim upon which relief could be granted, a separate evidentiary hearing on his motion for summary judgment was unnecessary.⁴

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

⁴ Moreover, we note that no hearing was required because Mr. Carter did not request a hearing in either of his motions. *See* Maryland Rule 2-311(f).

The correction notice(s) for this opinion(s) can be found here:

<https://mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/1112s21cn.pdf>