

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1938

September Term, 2014

JAMES ADEYEMI

v.

KWOK TO WONG

Meredith,
Hotten,
Nazarian,

JJ.

Opinion by Hotten, J.

Filed: November 20, 2015

*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.

Appellant, James Adeyemi, filed a complaint against his former landlord, appellee, Kwok To Wong, in the Circuit Court for Howard County. The circuit court granted appellee's motion to dismiss that complaint, and appellant appealed, presenting one question for our review:

- I. Did the [circuit court] commit reversible error in granting [a]ppellee's Motion to Dismiss Complaint?¹

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

FACTUAL AND PROCEDURAL HISTORY

Appellant's complaint, filed with the circuit court on August 13, 2014, alleged that appellee had "tricked" appellant into making various repairs to the house he was renting by promising to sell appellant the property at the expiration of the lease.

Appellee thereafter filed a motion to dismiss appellant's complaint on a number of grounds. First, appellee alleged that the complaint was legally insufficient because it did not contain any numbered paragraphs, did not state any causes of action, contained no measure of damages, contained no discernable facts which would entitle appellant to relief, and included no counts to which appellee could reply. Second, appellee alleged that any claim regarding a promise to sell appellant the property was barred by the Statute of Frauds. Third, appellee alleged that the circuit court did not have jurisdiction over the matter because, under Md. Code (Repl. Vol. 2013), § 4-401(4) of the Courts and Judicial Proceedings Article ("Cts. and Jud. Proc."), "any 'action involving landlord and tenant,

¹ This question is taken from appellee's brief to this Court.

... regardless of the amount involved[,]’ is within the exclusive jurisdiction of the District Court.”

The circuit court granted appellee’s motion to dismiss in a single page order on October 21, 2014, and appellant timely filed a notice of appeal.

STANDARD OF REVIEW

In reviewing the circuit court order granting appellee’s motion to dismiss, we apply a *de novo* standard, and “assume the truth of the well-pleaded factual allegations of the complaint, including the reasonable inferences that may be drawn from those allegations.” *Monarc Const., Inc. v. Aris Corp.*, 188 Md. App. 377, 384 (2009) (quoting *Adamson v. Correctional Medical Services, Inc.*, 359 Md. 238, 246 (2000)). Ultimately,

“dismissal is proper only if the alleged facts and permissible inferences, so viewed, would, if proven, nonetheless fail to afford relief to the plaintiff.’ In sum, because we must deem the facts to be true, our task is confined to determining whether the trial court was legally correct in its decision to dismiss.”

Id. (quoting *Adamson*, 359 Md. at 246).

DISCUSSION

We hold that dismissal of appellant’s complaint was proper for two reasons. First, appellant’s complaint was entirely noncompliant with the Maryland Rules governing pleadings in the circuit court. Under Md. Rule 2-303(a):

All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each cause of action shall be set forth in a separately numbered count....

Additionally, under Md. Rule 2-305, “[a] pleading that sets forth a claim for relief... shall contain a clear statement of the facts necessary to constitute a cause of action[.]” One of the principal purposes of these rules is to provide notice to the court and the opposing party of the causes of action being asserted. *See Manikhi v. Mass Transit Admin.*, 360 Md. 333, 343 (2000) (noting that a plaintiff must provide “a concise statement of facts that will identify for the professional reader, be it adverse counsel or the court, the cause of action that is being asserted”).

As noted by appellee, appellant’s complaint contained no numbered paragraphs or counts to which appellee could respond, lacked a concise statement of facts showing entitlement to relief, and failed to identify any cause of action being pursued by appellant. Instead, appellant’s complaint included only conclusory allegations that appellant had spent time and money improving the property because appellant had been “tricked” by appellee. However, the court generally disregards “conclusory charges that are not factual allegations” when evaluating the sufficiency of a pleading. *See Khalifa v. Shannon*, 404 Md. 107, 115 (2008) (citation omitted). Accordingly, the complaint filed by appellant was insufficient as a matter of law, and was properly dismissed by the circuit court.

Second, dismissal was also proper because the circuit court did not have subject matter jurisdiction over the dispute. Under Cts. and Jud. Proc. § 4-401(4), “the District Court has exclusive original civil jurisdiction in ... [a]n action involving landlord and

tenant, distraint, or wrongful detainer, regardless of the amount involved[.]”² Furthermore, dismissal of a complaint is proper if, all facts and allegations, while assumed to be true, still “fail to afford a claimant relief if proven, or ... establish a lack of subject matter jurisdiction.” *Lewis v. Murshid*, 147 Md. App. 199, 203 (2002). In the case at bar, the relationship between appellant and appellee was a landlord-tenant relationship, and the dispute between the two stemmed directly from that relationship. Accordingly, appellant was required to file his complaint in the District Court, and his complaint became subject to dismissal when he failed to do so.

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

² See also *Kim v. Council of Unit Owners for Collington Ctr. III Condo.*, 180 Md. App. 606, 624 (2008) (indicating that the District Court’s exclusive original jurisdiction under Cts. and Jud. Proc § 4-401(4) depends on whether the relationship between the parties can be characterized as that of a landlord and tenant).