

Circuit Court for Baltimore County
Case No. 03-C-18-03106

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2147

September Term, 2018

WILLIAM H. DENNIS

v.

BECKETT GREEN CONDOMINIUM, INC.

Nazarian,
Leahy,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 6, 2019

*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.

William H. Dennis, appellant, noted an appeal from an order of the Circuit Court for Baltimore County granting summary judgment in favor of Beckett Green Condominium, Inc., appellee. Mr. Dennis presents one question for our review:

Was the trial court’s denial of Appellant’s request for a hearing legally correct when Maryland Rule 2-311(f) requires the trial court to hold a hearing before rendering a decision disposing of a claim or a defense?

For the following reasons we shall affirm the judgment of the circuit court.¹

Maryland Rule 2-311(f) governs hearings on motions in general and provides that “a party desiring a hearing on a motion, other than a motion [for judgment notwithstanding the verdict, for a new trial, or to alter or amend the judgment], shall request the hearing in the motion or response under the heading ‘Request for Hearing.’” The Rule further provides that “the court may not render a decision that is dispositive of a claim or defense without a hearing if one was requested as provided in this section.” Md. Rule 2-311(f).

Appellee filed a motion to dismiss, which was considered by the court as a motion for summary judgment after Mr. Dennis was given an opportunity to respond appropriately.² Although Mr. Dennis asserts that his request for a hearing on the motion

¹ Appellee asserts that the appeal should be dismissed because Mr. Dennis failed to comply with the Rules regarding preparation of the record extract and the style and form of his brief. Because the issue on appeal is relatively straightforward, and the pertinent parts of the record that are necessary to resolve the issue were included in the appendix to appellee’s brief, we have opted to address the merits.

² Maryland Rule 2-322(c) provides as follows:

If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary

(continued)

was denied, we found no such request anywhere in Mr. Dennis’s response to the motion to dismiss or in the supplemental response that he filed after the court informed the parties that it would be treating the motion as one for summary judgment.³ Moreover, the rules do not expressly provide for a hearing on either a motion to dismiss or a motion for summary judgment. Accordingly, we conclude that the court did not err in ruling on appellee’s motion without conducting a hearing.⁴

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

(continued)

judgment and disposed of as provided in Rule 2-501, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 2-501.

³ Mr. Dennis notes in his brief that he included a request for a jury trial when he filed his complaint. A request that the merits of an action be decided by a jury, however, is distinct from a request that the court hold a hearing on a motion filed by a party.

⁴ We note that, in the “Argument” section of Mr. Dennis’s brief, there is a mention of the standard of appellate review of a motion to dismiss. Mr. Dennis presents no question or legal argument relating to the merits of the court’s ruling on appellee’s motion, however. Therefore, we do not address this issue on appeal. *See Green v. North Arundel Hospital Ass’n, Inc.* 126 Md. App. 394, 426 (1999) (“[c]onfining litigants to the issues set forth in the “Questions Presented” segment of their brief ensures that the issues presented are obvious to all parties and the Court.”)