

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2176

September Term, 2022

KAMAL MUSTAFA, *et al.*

v.

COMMUNITY LOAN SERVICING, LLC

Wells, C.J.,
Zic,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 6, 2023

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

On October 7, 2022, Community Loan Servicing, LLC, appellee, purchased, at a foreclosure sale, real property located at 640 Frederick Street in Hagerstown, Maryland (the property). Approximately one month later, appellee filed a civil action in the Circuit Court for Washington County against Kamal Mustafa, appellant; Sidikatu Raji, appellant; Sam & Paula, LLC; and Anne Arundel Properties Inc. d/b/a Taylor Properties. In that complaint, which raised claims of quiet title, disparagement of title, fraud, conversion, intentional interference with prospective economic advantage, and conspiracy, appellee alleged that the defendants were fraudulently conspiring to list the property for sale, despite having no ownership interest in the property. Appellee also filed a motion for a temporary restraining order and preliminary injunction to prevent the defendants from selling or encumbering the property during the pendency of the litigation.

Mr. Mustafa and Mr. Raji both filed motions to dismiss the complaint on the grounds that appellee had failed to include or attach an affidavit of non-military service to the complaint, both of which were denied. They did not, however, file an answer to the complaint or an objection to the motion for a preliminary injunction. Following a hearing, which appellants did not attend, the court entered an order on January 27, 2023, granting the preliminary injunction. Mr. Raji filed a timely motion to vacate that order on January 30, 2023. The court denied that motion on March 2, 2023. Appellants then filed separate notices of appeal on March 17, 2023.¹

¹ Mr. Mustafa also filed notices of appeal on January 30 and February 5, 2023. We entered an order on April 11, 2023, dismissing those appeals as not allowed by law.

As an initial matter, we note that Mr. Raji has not filed a brief despite being granted an extension of time to do so. And because Mr. Mustafa is not a licensed attorney in Maryland, he may not file a brief on Mr. Raji’s behalf. Consequently, Mr. Raji has waived his right to raise any issues on appeal.

Mr. Mustafa has filed a brief, and contends that appellee lacked standing to file the complaint because it had “no legal or possessory interest in the subject property” and that the court erred in granting the preliminary injunction without requiring appellee to pay a bond. However, Mr. Mustafa did not raise these claims in the circuit court. In fact, he did not file an answer to the complaint, did not file an opposition to the motion for a preliminary injunction, did not attend the hearing on that motion, and did not file a motion to reconsider the order granting the preliminary injunction. Consequently, we will not address these issues for the first time on appeal. *See* Maryland Rule 8-131(a) (noting that an appellate court will not ordinarily decide an issue “unless it plainly appears by the record to have been raised in or decided by the trial court”).²

**APPELLEE’S MOTION TO DISMISS
DENIED. JUDGMENT OF THE
CIRCUIT COURT FOR WASHINGTON
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANTS.**

² Noting that these issues were not raised in the circuit court, appellee has filed a motion to dismiss asserting that Mr. Mustafa has waived his right to appeal. We shall deny that motion.