

Circuit Court for Wicomico County  
Case No. 22-C-16-000913 OC

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2195

September Term, 2016

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VIRGIL THOMAS LEATH, JR.

v.

THOMAS AND THOMAS PATIENT CARE  
ET AL.

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Woodward, C.J.,  
Graeff,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 3, 2018

\*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.

In this appeal from a civil action in the Circuit Court for Wicomico County, Virgil Thomas Leath, Jr. (“Leath”), appellant, challenges the court’s granting of a motion by appellee, Thomas and Thomas Patient Care (“Thomas”), to dismiss the complaint against it. Thomas moves to dismiss the appeal. For the reasons that follow, we shall grant the motion and dismiss the appeal.

In June 2016, Leath filed a “lawsuit for five (5) million dollars against” Thomas and its employee, Jessica Rose Morris. Leath contended that Morris “was abusive to” Leath’s mother, that Leath “was put in jail because of several lies [that Morris] told about” Leath, and that Morris was “draining [Leath’s father] of what money he has left.” Leath “ask[ed] for something to be done.” A writ of summons and copy of Leath’s complaint were subsequently served on each defendant.

In September 2016, Thomas filed a motion to dismiss the action on five grounds: that the complaint did not “contain a clear statement of the facts necessary to constitute a cause of action,” the complaint “demands \$5,000,000 instead of the requisite . . . general statement that the amount sought exceeds \$75,000,” the complaint “fails . . . to state a claim upon which relief can be granted,” Leath was “attempt[ing] to claim a financial windfall on the grounds that someone lied in a criminal proceeding in which he was the defendant,” and the fact that Leath’s “father continues to be romantically and socially involved with someone that [Leath] dislikes is not grounds for a civil suit[.]” The court granted the motion and dismissed “[t]hat claim for relief.” (Capitalization and quotations omitted.)

On appeal, Leath contends that, for various reasons, the court’s judgment “was not legally correct.” Thomas moves to dismiss on the ground that the appeal “has not been

taken from a final judgment,” because Morris “has filed nothing, nor has she been dismissed,” and the court “made no ruling as to her.”

We agree with Thomas. Rule 2-602(a) states that an order “is not a final judgment” if the order “adjudicates the rights and liabilities of fewer than all the parties to the action.” Here, Leath, in his complaint, expressly named Thomas and Morris as parties. The record contains proof that Morris was served with process, making her a party to the action. Although a “circuit court can dismiss a complaint as to all named defendants, even based on a motion to dismiss submitted by only one of the defendants[,] if the grounds for the dismissal appl[y] to all named defendants,” *Higginbotham v. PSC*, 171 Md. App. 254, 266 (2006), the court here did not specify the grounds for the dismissal. Moreover, the court referred to the motion to dismiss as having been submitted solely by Thomas. The order does not adjudicate the rights and liabilities of all the parties to the action, and hence, the court’s order is not a final judgment. Accordingly, we grant Thomas’s motion, and dismiss the appeal.<sup>1</sup>

**MOTION TO DISMISS GRANTED.  
APPEAL DISMISSED. COSTS TO BE  
PAID BY APPELLANT.**

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<sup>1</sup>Because we grant the motion to dismiss on this ground, we need not address Thomas’s alternate grounds, specifically that the table of citations in Leath’s brief is not alphabetically arranged, and that Leath, in Thomas’s opinion, “did not prepare” his brief, and “the person who did prepare the [brief] did not sign it.”