

Circuit Court for Prince George's County
Case No. CAL15-32822

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2314

September Term, 2016

EDMUND AWAH

v.

SOUTHERN MANAGEMENT
CORPORATION

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

JJ.

PER CURIAM

Filed: June 14, 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.

On November 9, 2015, Edmund Awah, appellant, proceeding *pro se*, filed a complaint in the Circuit Court for Prince George’s County against Southern Management Corporation (“SMC” or appellee), raising eleven causes of action, including violation of the Maryland Consumer Protection Act,¹ breach of contract, and unjust enrichment, among others. Awah’s complaint stemmed from his tenancy at the Steward Manor Apartment Homes in Laurel and his September 23, 2015 eviction.

On December 9, 2016, SMC filed a motion for summary judgment, following an unsuccessful mediation. On December 27, Awah filed a motion in which he requested an extension of time to file a response to SMC’s motion. On January 10, 2017, without a hearing, the court granted SMC’s motion. Awah noted this timely appeal, challenging the grant of summary judgment to SMC without a hearing, as well as arguing that the court abused its discretion in not ruling on his motion for more time. For the reasons stated below, we conclude that the court was required to hold a hearing because SMC requested one in its motion. Accordingly, we vacate the decision of the circuit court and remand for said hearing.

Awah first contends that the court abused its discretion in refusing to rule on his motion for an extension of time to respond to SMC’s motion for summary judgment. SMC maintains that Awah’s motion for an extension was untimely, unspecific in its reasons, and

¹ See Maryland Code (1975, 2013 Repl. Vol.), Commercial Law Article (“Comm.”), § 13-101, *et seq.*

dilatory in that Awah requested to be given until February 7, 2017, to respond.² Rule 2-311(b) provides that, with exceptions inapplicable to this case, a party responding to a motion “shall file any response within 15 days after being served with the motion[.]” Here, SMC filed its motion on December 9, 2016, meaning that Awah had until December 24 to respond. Because December 24, 2016, was a Saturday, and the court was closed the following Monday due to the Christmas holiday, Awah had until December 27, 2016, to respond. Accordingly, his motion for an extension was timely.

Trial courts, however, have discretion in ruling on motions for extensions of time. See Rule 1-204(a); *Town of New Market v. Frederick Cnty.*, 71 Md. App. 514, 518-19 (1987). In granting SMC’s motion for summary judgment, the court effectively denied Awah’s motion, and we are not persuaded that the court abused its discretion in so doing.

Awah next contends that the court could not grant SMC’s motion without a hearing, as SMC properly requested a hearing in its motion. SMC maintains that it did not request a hearing pursuant to Rule 2-311(f), which provides that for a motion for summary judgment, a party “shall request the hearing in the motion or response under the heading ‘Request for Hearing.’ The title of the motion or response shall state that a hearing is requested.”

SMC did, indeed, include a request for hearing under the appropriate heading in the body of the motion, but the title of the motion did not state that a hearing was requested.

² We note that Awah did file an opposition to SMC’s motion on January 12, 2017, which was curiously accepted after the court granted the motion.

We are persuaded, however, that in the interests of justice, the court should have held a hearing, considering that Awah opposed the motion. Moreover, Rule 2-311(f) also states 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.” Because the motion for summary judgment was dispositive of Awah’s claims, and SMC substantially complied with the request for a hearing, we conclude that the court was required to hold a hearing.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
DENYING MOTION FOR EXTENSION
AFFIRMED. JUDGMENT GRANTING
SMC’S MOTION FOR SUMMARY
JUDGMENT VACATED. CASE IS
REMANDED FOR HEARING ON SMC’S
MOTION. COSTS TO BE PAID ONE HALF
BY APPELLANT AND ONE HALF BY
APPELLEE.**