

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2480

September Term, 2016

CAROLINA V. CHELLE

v.

RAMEZ GHAZZAOUI

Meredith,
Berger,
Arthur,

JJ.

Opinion by Meredith, J.

Filed: February 8, 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.

At the conclusion of a jury trial in the Circuit Court for Anne Arundel County, a jury awarded Ramez Ghazzaoui, appellee, in excess of \$1.9 million in damages on tort claims against his former spouse, Carolina Victoria Chelle, appellant. In response to motions filed by both parties seeking post-judgment relief, the circuit court issued an opinion addressing Ms. Chelle's "Motion for Judgment Notwithstanding Verdict, New Trial, and Revisory Power" and Mr. Ghazzaoui's "Motion for Appropriate Relief" (the "July 2013 Remittitur Order"), which ordered a remittitur that would reduce the amount awarded Mr. Ghazzaoui to \$420,825.

Thereafter, Ms. Chelle timely appealed to this Court, and a previous panel reversed the judgments that had been entered in favor of Mr. Ghazzaoui with respect to four out of the ten tort claims — two intentional infliction of emotional distress claims (counts 20 and 46), and two abuse-of-process claims (counts 38 and 47) — and affirmed the judgments entered as to counts 16, 21, 39, 39, 40, 41, and 42. *Chelle v. Ghazzaoui*, No. 1259, Sept. Term 2013, slip op. at 53; 56-57; 65, 2016 WL 3613398, at *26; 27-28; 32 (Md. App., filed July 6, 2016) ("*Chelle I*"). We concluded that a remand was required to determine the revised amount of remittitur judgment that should be entered in light of our reversal of the four counts. We were unable to make that revision ourselves because the circuit court's July 2013 Remittitur Order "did not apportion damages between each individual claim[,] [and,] instead, [] apportioned damages by combining the counts associated with individual events as presented by Mr. Ghazzaoui in his complaint." *Chelle I, supra*, slip op. at 65-66, 2016 WL 3613398 at *32. Accordingly, we vacated the

July 2013 Remittitur Order and remanded the case “to the circuit court for the limited purpose of recalculating the amount of remittitur, minus the awards for the reversed claims.” *Id.* On December 13, 2016, the circuit court issued a “Revised Order as to Remittitur on Remand” (the “Revised Order”) entering a revised judgment against Ms. Chelle in the amount of \$414,325. Ms. Chelle noted the present appeal from that order.

On appeal of the Revised Order, Ms. Chelle presents us with the following question:

Did the trial court disregard COSA’s mandate in entering a revised remittitur order that (i) reflects no reduction in connection with COSA’s dismissal of one abuse-of-process claim and two [intentional infliction of emotional distress] claims (Counts 20, 46, and 47); and (ii) reduced the remittitur only \$6,500 in connection with COSA’s dismissal of a second abuse-of-process claim?

Because the circuit court’s Revised Order did not explain why the court made the revisions on remand, Ms. Chelle contends that the circuit court did not comply with the mandate of the Court on remand. Indeed, the circuit court’s rationale is not apparent to us. Accordingly, we will remand the case once more for further review and consideration by the circuit court.

Facts and Procedural History

On July 26, 2011, Mr. Ghazzaoui filed a “93-page, 399-paragraph, [60] count complaint” against Ms. Chelle, four months after the parties were divorced. We described the complaint, and the trial that followed, as follows in *Chelle I, supra*, slip op. at 13-21, 2016 WL 3613398 at *7-10:

On July 26, 2011, Mr. Ghazzaoui filed a 60-count complaint against Ms. Chelle, initiating the case at hand and alleging, *inter alia*, that Ms. Chelle falsely accused him of domestic violence, fabricated the protective

order violations, engaged in abuse of process when she accused him of child abuse and possession of child pornography, assaulted him and filed false claims of assault against him. Mr. Ghazzaoui sought monetary damages for attorney's fees, pain and suffering, and loss of employment. At the same time, Mr. Ghazzaoui filed a complaint on behalf of [the couple's minor child] M.G. against Ms. Chelle, alleging cruelty and neglect for the effect of Ms. Chelle's alleged actions on M.G.

On February 16, 2012, after a hearing before the circuit court, 39 of the 60 counts in Mr. Ghazzaoui's complaint against Ms. Chelle were dismissed. On October 15, 2012, M.G.'s case against Ms. Chelle and Mr. Ghazzaoui's case against Ms. Chelle were consolidated for trial purposes only.

On March 16, 2012, Ms. Chelle filed her answer and counterclaim, asserting a single claim of intentional infliction of emotional distress against Mr. Ghazzaoui.

The Stipulation

A telephonic hearing was held on January 28, 2013. At that time, the parties, Mr. Ghazzaoui *pro se*, agreed to stipulate to certain portions [of] the circuit court's October 8, 2010 custody opinion in order to avoid re-litigating the parties' divorce. The stipulation, which was reduced to writing and entered into evidence, summarized the protective order violations and criminal charges against Mr. Ghazzaoui and stated, in pertinent part:

* * *

In the divorce & custody case, the trial judge found these alleged violations of the protective orders and certain other charges were "*unfounded accusations*" made by [Ms. Chelle] against [Mr. Ghazzaoui]. Ms. Chelle's additional accusations against Mr. Ghazzaoui included allegations that he raped her in the presence of the child, that he engaged in pedophilia, abuse and other inappropriate conduct with and around the minor child; and that he had possession of child pornography. After 14 days of trial testimony and examining numerous exhibits on these allegations, the divorce, and other issues, the judge found, "no professional evaluation . . . and no credible evidence to support any of these allegations."

The trial judge found that Ms. Chelle “provided no excuse for her actions toward [Mr. Ghazzaoui], and the only excuse . . . [was] that this [was] an extreme response by someone who feels she is a victim.”

Mr. Ghazzaoui admitted that he possessed a large collection of legal adult pornography; the trial judge found that, during the marriage, prior to July 2008, Ms. Chelle was aware of this and had participated on some occasions of viewing it. While it was ultimately determined that Mr. Ghazzaoui never exposed the minor child to this collection and that his possession of it was legal, the trial judge found that it was not unreasonable for Ms. Chelle and others to be concerned by it.

However, the trial judge also found that, on 7/1/08, Ms. Chelle took Mr. Ghazzaoui’s computer to her attorney’s office. She claimed that she and a computer expert discovered on the computer child pornography and on-line chats with and about minors of a sexual nature.

[Mr. Ghazzaoui] denied having conducted any on-line chats with minors or referencing child pornography. He testified that he had a friend visiting his home in 1997, at the time the chats were conducted, who used his computer. The Court found [Mr. Ghazzaoui’s] testimony on this point credible.

Despite all of the parents’ conflicts, the trial judge found: “It is clear to the Court that the minor child has a positive and healthy relationship with each parent and clearly wants to be with both parents.” The trial judge found each of the parents to be a “fit parent.” In granting joint legal custody and shared physical custody of the child, the Court set conditions for such custody rights including family counseling for parents and child, as well as a schedule for each parent’s times with the child.

(Some alteration in original) (emphasis in original) (footnotes omitted).

The stipulation also contained the court’s determination that the child pornography was planted on Mr. Ghazzaoui’s computer “during the

period when only Ms. Chelle and those under her control had access to the computer,” and that Ms. Chelle had “used these and other tactics to limit Mr. Ghazzaoui’s access to [M.G.]. . . .” The parties agreed that, in exchange for the stipulation, Mr. Ghazzaoui could not bring up at trial the reasons for the divorce, but that he could attempt to prove the falsity of the allegations underlying the July 1, 2008 protective order.

The Trial

Trial commenced on Mr. Ghazzaoui’s complaint on January 29, 2013, and continued for seven days. Over the course of the trial, numerous counts were dismissed. On January 30, 2013, upon motion by Ms. Chelle, the court dismissed counts 14, 27, 52, 53, 56, and 59, of Mr. Ghazzaoui’s complaint because these claims were “barred by res judicata.” The court dismissed these claims because of an action filed on May 24, 2011 by Mr. Ghazzaoui, No. 02–C–11–161457, in the Circuit Court for Anne Arundel County, against Ms. Chelle, Joan Kinlan, Terri Harger, Barbara Taylor, Marvin Liss, Diane Altscher, and Michael Gombatz, alleging that these people conspired “to Have the Maryland Circuit Court for Anne Arundel County Unnecessarily Impose Supervision on the Plaintiff’s Access to His Child.” The circuit court noted that both Ms. Chelle and Mr. Ghazzaoui were parties in the prior civil conspiracy case and that the conspiracy case involved “identical charges” to some of those in the present case and “that it is the same evidence involved or could have been used.” This dismissal disposed of all remaining claims involving child pornography or molestation.

On February 1, 2013, the court granted, with prejudice, Ms. Chelle’s motion to dismiss M.G.’s case against her, and dismissed Count 15 of Mr. Ghazzaoui’s complaint, alleging false arrest and imprisonment resulting from the protective order violations. On February 4, 2013, the court granted Ms. Chelle’s motion to dismiss Count 37, alleging intentional infliction of emotional distress resulting from the December 1, 2008 protective order.

On January 29, 2013, before the dismissal of all of Mr. Ghazzaoui’s claims regarding child pornography and molestation, the circuit court had read into evidence the stipulation agreed upon by the parties concerning facts found in the 2008 divorce action, quoted at length *supra*.

Trial proceeded on the following 11 surviving counts.

Count 16: Malicious Prosecution; Count 20: Intentional Infliction of Emotional Distress; and Count 21: Abuse and Misuse of Process.

Mr. Ghazzaoui alleged one count of malicious prosecution, and one count each of intentional infliction of emotional distress and abuse and misuse of process. These counts are based on allegations set forth in paragraphs 110 through 118 of his complaint, which charge Ms. Chelle of falsely accusing Mr. Ghazzaoui of violating the July 1 protective order three times and bringing six charges against Mr. Ghazzaoui, all of which were eventually dropped.

Count 38: Abuse and Misuse of Process.

Mr. Ghazzaoui alleged that Ms. Chelle abused and misused process when she petitioned for a second protective order on December 1, 2008, after Ms. Chelle “refus[ed] to answer the telephone at her residence until well after 10:00 p.m.” Mr. Ghazzaoui, “provoked by such outrageous behavior” left Ms. Chelle a voicemail and email “warning her that he would someday give her the same treatment she has given him.” Mr. Ghazzaoui alleged that the temporary protective order was dismissed and a final protective order was denied at a hearing held on January 5 and 6, 2009, because the court concluded “that there was no evidence to satisfy the statute for domestic violence.”

Counts 39, 40, 41, and 42A: Assault.

The complaint alleges four separate counts of assault by Ms. Chelle against Mr. Ghazzaoui that occurred allegedly during the times Mr. Ghazzaoui and Ms. Chelle exchanged custody of M.G. These allegations . . . included: (1) that on February 9, 2009, Ms. Chelle attempted to run Mr. Ghazzaoui over with her car while he was attempting to secure M.G. in her car; (2) that on May 28, 2010, Ms. Chelle leaped into his car and “assailed” Mr. Ghazzaoui in attempt to extract M.G. from the car; (3) that Ms. Chelle assaulted Mr. Ghazzaoui again on May 13, 2011, in the presence of M.G. and one of M.G.’s friends; and (4) that on May 25, 2011, Ms. Chelle “attempted to hold [Mr. Ghazzaoui] hostage on the road demanding that he let her extract [M.G.] from his car in the middle of the road in front of [M.G.]’s school.”

Count 42B: Malicious Prosecution and Count 46: Intentional Infliction of Emotional Distress.

Mr. Ghazzaoui asserted a count of malicious prosecution and intentional infliction of emotional distress against Ms. Chelle for allegedly filing a false charge of second-degree assault against him after their encounter on May 28, 2010, and obtaining another interim protective order. Mr. Ghazzaoui alleged that this “false assault charge” resulted in an arrest warrant issuing on August 9, 2010, which was eventually converted into a summons by the circuit court. Furthermore, Mr. Ghazzaoui alleged that Ms. Chelle again falsely alleged that the Plaintiff had assaulted her on May 13, 2011, in their divorce case in response to Mr. Ghazzaoui’s motion for contempt against Ms. Chelle.

Count 47: Abuse and Misuse of Process

Mr. Ghazzaoui claimed that Ms. Chelle committed abuse of process based on the alleged facts that (1) Ms. Chelle filed a false charge of assault against him on May 31, 2010, which resulted in a warrant for Mr. Ghazzaoui’s arrest, and (2) Ms. Chelle filed a motion for contempt against Mr. Ghazzaoui alleging that he assaulted her on May 13, 2011.

Judgment for Mr. Ghazzaoui

The jury issued its verdict on February 7, 2013, finding in favor of Mr. Ghazzaoui on all counts except Count 41 — alleged assault by Ms. Chelle on May 25, 2011 — **and awarding damages of \$1,748,390.00^[1] and the cost of the suit.** The jury ruled against Ms. Chelle on her IIED counterclaim.

Within ten days of the verdict, Ms. Chelle filed a motion for judgment notwithstanding the verdict, new trial, and remittitur. Mr. Ghazzaoui filed a motion for appropriate relief and a motion for oral examination in aid of judgment collection. A hearing was held on June 17, 2013. . . .

(Emphasis added.)

¹ Mr. Ghazzaoui points out in his brief that this total did not include another \$200,000 shown on the jury’s verdict sheet, and, had that amount been taken into consideration, the total damages awarded by the jury were \$1,948,390.

Following the hearing held on June 17, 2013, the circuit court issued the July 2013 Remittitur Order, which reduced the verdict “to an amended [total] judgment of \$420,825.00.” *Chelle I, supra*, slip op. at 21, 2016 WL 3613398 at *10. As we observed in *Chelle I*, in the July 2013 Remittitur Order, “the court apportioned damages according to event, as described in Mr. Ghazzaoui’s claims, rather than apportioning damages according to each individual count.” *Id.* In doing so, the circuit court grouped the claims made in various counts into three distinct time periods (the “Periods”). Period 1 covered three of the counts: malicious prosecution (count 16), intentional infliction of emotional distress (count 20), and abuse of process (count 21).² The three claims the court attributed to Period 1 relate to interactions between the parties between July 14, 2008, and October 22, 2008. The circuit court said that Period 2 covered four counts: two abuse of process claims (counts 38 and 47), one malicious prosecution claim (count 42), and one intentional infliction of emotional distress claim (count 46). With regard to the four counts attributable to Period 2, the circuit court stated: “As to the second 30-month period [(i.e., Period 2)], the noneconomic damages . . . relate primarily to the father’s report of emotional distress as to the mother’s false legal claims against him, but also relate to restrictions placed on visits with his daughters” Lastly, Period 3 covered three “isolated assaults resulting in no significant injuries” Although the circuit court assigned reduced amounts of noneconomic damages it would allow for each group

² More details regarding the factual circumstances surrounding these counts were included in the excerpt from *Chelle I* quoted above.

of counts in which the jury had awarded damages, the court included in its remittitur judgment a single, “concurrent” noneconomic damage award for each of the three Periods.

Following the circuit court’s issuance of the July 2013 Remittitur Order, Ms. Chelle timely appealed. In *Chelle I, supra*, slip op. at 1-2, 2016 WL 3613398 at *1, we noted that Ms. Chelle asked us to consider the following four questions:

I. “Did the trial court err in failing to instruct the jury to disregard—and continuing to admit—highly prejudicial evidence that was relevant only to unfounded claims by Ghazzaoui that were dismissed mid-trial?”

II. “Did the trial court err in barring evidence of Ms. Chelle's well-founded fear of Ghazzaoui based on years of abuse, which was relevant to whether she reported Ghazzaoui's protective-order violations and ongoing abuse based on genuine fear and with probable cause?”

III. “Is there sufficient evidence to support Ghazzaoui's two abuse-of-process claims (Counts 38 and 47), even though Ghazzaoui proved neither (i) misuse of a legal proceeding by Ms. Chelle, nor (ii) that he was subjected to an arrest or property seizure?”

IV. “Is there sufficient evidence to support Ghazzaoui's two IIED claims (Counts 20 and 46), even though the record evidence reflects no “extreme” or “outrageous” conduct by Ms. Chelle?”

Although we found no reversible error with respect to the first two questions, we “reverse[d] on the third and fourth issues and conclude[d] that there is not sufficient evidence to support Mr. Ghazzaoui’s [two] abuse of process [claims,] or [his two] intentional infliction of emotional distress claims.” *Id.* We, therefore, “affirm[ed] in part, revers[ed] in part, vacat[ed] in part, and **remand[ed] for a calculation of damages.**” *Id.* (Emphasis added.)

We concluded our opinion in *Chelle I, supra*, slip op. at 65-66, 2016 WL 3613398 at *32, by explaining why it was necessary for us to vacate the July 2013 Remittitur Order and remand the case to the circuit court for a recalculation of the amount of remittitur, rather than simply enter a modified judgment amount ourselves as authorized by Maryland Rule 8-604:

The circuit court’s memorandum opinion granting the remittitur did not apportion damages between each individual claim; **instead, it apportioned damages by combining the counts associated with individual events as presented by Mr. Ghazzaoui in his complaint. We are unable to determine, therefore, the correct amount of damages to be vacated under the remittitur because damages from some surviving claims are commingled with the reversed claims.** However, the jury did apportion damages for each count. In reversing the judgments on counts 20, 38, 46, and 47, we also vacate the jury’s award of damages on those counts. Thus, **we remand to the circuit court for the limited purpose of recalculating the amount of remittitur, minus the awards for the reversed claims.** *Cf. Batson, supra* 325 Md. at 736-37 (“This Court cannot possibly determine what part of the damage award the jury attributed to the defamation and what portion was improperly awarded for intentional infliction of emotional distress. Consequently, the award of damages must also be vacated” (citation omitted)).

(Emphasis added.)

Our mandate then read:

JUDGMENTS OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED IN PART, REVERSED IN PART, AND VACATED IN PART. JUDGMENT REVERSED AS TO THE ABUSE OF PROCESS CLAIMS (COUNTS 38 AND 47) AND THE INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS CLAIMS (COUNTS 20 AND 46). DAMAGES AWARDED FOR THOSE CLAIMS VACATED. JUDGMENT AFFIRMED AS TO THE REMAINING COUNTS (COUNTS 16, 21, 39, 39 [sic], 40, 41, AND 42). ORDER OF REMITTITUR VACATED AND CASE REMANDED TO THE CIRCUIT COURT FOR A

**RECALCULATION OF AMOUNT OF REMITTITUR FOR THE
REMAINING COUNTS ONLY. COSTS TO BE DIVIDED.**

Chelle I, supra, slip op. at 66, 2016 WL 3613398 at *33.

Upon remand to the circuit court, Mr. Ghazzaoui filed a “Motion for Recalculation of Amount of Remittitur In Accordance With COSA’s Mandate” on November 2, 2016. Ms. Chelle filed a “Motion for Ex Parte Relief Extending Her Time to Respond to Plaintiff’s Motion for a Recalculation of Amount of Remittitur in Accordance with COSA’s Mandate.” After a hearing, the circuit court granted Ms. Chelle’s motion for additional time, and extended her time for filing a response to Mr. Ghazzaoui’s motion until December 16, 2016.

Despite the order extending Ms. Chelle’s time for a response to December 16, on December 13, three days before Ms. Chelle’s response was timely filed, the circuit court signed a “Revised Order as to Remittitur on Remand” (the “Revised Order”). This Revised Order was entered on the docket on January 6, 2017. The Revised Order modified the amount of the judgment in favor of Mr. Ghazzaoui to \$414,325 — \$6,500 less than the \$420,825 awarded in the circuit court’s original July 2013 Remittitur Order as to which this Court reversed the judgments entered in four counts. The circuit court did not explain how it determined the revised amount of damages awarded in the Revised Order, and did not explain how the elimination of those four counts would affect the “concurrent” damages the court had included in the July 2013 Remittitur Order based upon its consideration of Periods 1, 2, and 3.

Discussion

In her brief, Ms. Chelle contends that the circuit court disregarded our mandate in *Chelle I*, which vacated and remanded the circuit court's July 2013 Remittitur Order for the purposes of recalculating damages in light of the four reversed claims. Should we agree with Ms. Chelle's first contention, Ms. Chelle requests that, instead of reversing and remanding the issue for a second time, we enter a "modified remittitur" award of "no more than \$20,325 in damages."

I. The circuit court's Revised Order

Ms. Chelle asserts that the circuit court made "no attempt to enter a revised judgment in accordance with the mandate." She states the following in support of this assertion: "[The Revised Order] contains no analysis of the evidence relating to the dismissed and remaining claims, and reflects no attempt to enter a revised judgment in accordance with the mandate." Ms. Chelle points out that the circuit court failed to make any "downward adjustment of the \$400,000 in noneconomic damages awarded for the seven claims that comprised Periods 1 and 2, even though COSA granted Ms. Chelle judgment as a matter of law on" four of the seven claims in these two Periods.

Mr. Ghazzaoui, on the other hand, contends that the circuit court did not disregard our mandate. Mr. Ghazzaoui argues that the circuit court was not obligated to downwardly adjust the damage award in light of our reversal of four claims in *Chelle I* because, he asserts, "the Counts vacated by CoSA [in *Chelle I*] had already resulted in no award to Ghazzaoui due to Judge Caroom's establishment of three Periods of

concurrency.” Mr. Ghazzaoui further asserts that, because our prior decision vacated the circuit court’s July 2013 Remittitur Order, the circuit court should have used the jury’s \$1.9 million dollar verdict as a starting point when recalculating the remittitur in the Revised Order. Mr. Ghazzaoui urges us to enter a remittitur award of \$986,590, rather than adopt Ms. Chelle’s position or order another remand.

Maryland Rule 8-604(d)(1) requires that, when we remand a case to the circuit court, we “state the purpose for the remand.” Rule 8-604(d)(1) further provides: “**The order of remand and the opinion upon which the order is based are conclusive as to the points decided.** Upon remand, **the lower court shall conduct any further proceedings necessary** to determine the action **in accordance with the opinion and order of the appellate court.**” (Emphasis added.) *See, e.g., Balducci v. Eberly*, 304 Md. 664, 674 n. 12 (1985); *Immanuel v. Comptroller of Treasury*, 225 Md. App. 581, 589-90 (2015), *aff’d on other grounds, sub nom. Immanuel v. Comptroller of Maryland*, 449 Md. 76 (2016).

In *Health Servs. Cost Review Comm’n v. Franklin Square Hosp.*, 280 Md. 233, 239 (1977) (citations omitted), the Court of Appeals held that “[t]he question of whether a judgment entered by a lower court on remand from this Court is consistent with the mandate of this Court is a separate issue reviewable on a subsequent appeal.” *See also Balducci, supra*, 304 Md. at 674 n. 12 (citations omitted) (“A lower court is without power to revise or disregard the mandate of the appellate court. . . . If the lower court does so, however, the order is illegal and subject to review by the appellate court.”). In

Balducci, supra, id. at 673-74, the Court of Appeals further explained that appellate courts “ha[ve] the inherent authority . . . to correct or amend . . . irregularities on the part of the court in its issued mandate . . . if anything has been omitted from a judgment which is necessarily or properly a part of it. . . .”

In *Chelle I*, we explained that we were remanding the case for recalculation of the amount of the remittitur in light of our elimination of the judgments in four counts for which the circuit court appeared to have included some amount of damages in its determination of the original remittitur. *Chelle I, supra*, slip op. at 65-66, 2016 WL 3613398 at *32-33. We noted that we were “unable to determine the correct amount of damages to be vacated under the remittitur because damages from some of the surrounding claims are commingled with the reversed claims.” *Chelle I, supra*, slip op. at 66, 2016 WL 3613398 at *33. Because the circuit court had “apportioned damages by combining the counts associated with individual events” into three Periods, *Chelle I, supra*, slip op. at 65-66, 2016 WL 3613398 at *32, and the circuit court had included a single, concurrent noneconomic damage award for each Period, we sent the case back for the circuit court to recalculate the appropriate amount of remittitur in light of the reversed counts. *Id.* But, on remand, the circuit court did not explain why it made the adjustment it made, and provided no clue as to how the Revised Order ties in with the explanation of damages on pages 10 through 14 of the circuit court’s July 2013 Remittitur Order.

For example, as mentioned above, Period 2 is comprised of four claims: Two abuse of process claims (count 38 and 47), one malicious prosecution claim (count 42),

and one intentional infliction of emotional distress claim (count 46). In accordance with the circuit court's July 2013 Remittitur Order, Mr. Ghazzaoui was awarded \$6,500 in economic damages for count 38, and \$1,500 in economic damages for count 42. The noneconomic damages for the claims within Period 2, however, were not apportioned among the specific claims. Instead, in its July 2013 Remittitur Order, the circuit court issued a concurrent remittitur award of \$100,000 for the four claims in Period 2.

Our decision in *Chelle I* reversed judgment as to counts 38, 47, and 46 in Period 2. *Chelle I, supra*, slip op. at 13-21, 2016 WL 3613398 at *7-10. Therefore, the only remaining claim in Period 2 on remand is count 42, the malicious prosecution claim. In its Revised Order, the circuit court properly deleted the \$6,500 in economic damages with respect to count 38; however, it failed to delete the \$1,500 in economic damages associated with reversed count 42. And without any explanation, the judge subtracted zero dollars from Period 2's concurrent noneconomic damage award of \$100,000. The circuit court did not explain why it left untouched the amount of damages that had been previously allocated to four counts, three of which have now been eliminated. In its opinion explaining the computations in the July 2013 Remittitur Order, the circuit court noted that Period 2's concurrent noneconomic damage award "relate[s] primarily to the father's report of emotional distress as to the mother's false legal claims against him" But, on remand, even though we had reversed three claims related to emotional distress — two abuse of process claims and one intentional infliction of

emotional distress claim — the court did not explain its rationale for again including \$100,000 in noneconomic damages for one surviving count.

Similarly, the court provided no explanation for awarding the same amount of noneconomic damages relative to Period 1, even though one of the three counts covered by that concurrent award had been eliminated. According to the circuit court’s July 2013 Remittitur Order, Period 1 covered one abuse of process claim (count 21), one malicious prosecution claim (count 16), and one intentional infliction of emotional distress claim (count 20). The circuit court issued a single, concurrent noneconomic damage award of \$300,000 for the three counts covered by Period 1. Our decision in *Chelle I*, however, reversed judgment as to count 20. In its Revised Order, the circuit court provided no explanation of its rationale for awarding Mr. Ghazzaoui the same amount of damages for Period 1, despite one less claim.³

Accordingly, we will remand the case to the circuit court again for reconsideration of the appropriate amount of remittitur in light of the rulings of law made in *Chelle I*. The circuit court should provide an explanation for the amounts the court decides to include in a revised remittitur, including an explanation of how the court’s revised award relates to the analysis conducted when the court entered the July 2013 Remittitur Order. See *Baston v. Shiflett*, 325 Md. 684, 736 (1992) (remanding for further proceedings because the court could not “possibly determine what part of the damage award the jury

³ It is unnecessary to examine the damage award in Period 3, however, because each of the three counts covered by Period 3 were affirmed in *Chelle I, supra*, No 1259 at *33.

attributed to the defamation and what portion was improperly awarded for intentional infliction of emotional distress”).

**REVISED ORDER AS TO REMITTUR ON
REMAND VACATED AND CASE
REMANDED TO THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY FOR
FURTHER PROCEEDINGS CONSISTENT
WITH THIS OPINION. COSTS TO BE
DIVIDED EQUALLY BETWEEN THE
PARTIES.**