

Circuit Court for Prince George's County
Case No. C-16-CV-24-001306

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

Nos. 17 & 633

September Term, 2025

VINCE ISAAC PALAWAR FLORES

v.

GOVERNMENT EMPLOYEES INSURANCE
COMPANY

Wells, C.J.,
Arthur,
Beachley, Donald E.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: March 19, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Appellee Government Employees Insurance Company (“GEICO”) filed a complaint in the Circuit Court for Prince George’s County for damages against appellant Vince Flores arising from a motor vehicle collision in which Flores’ vehicle allegedly struck GEICO’s insured Daniel Hester. After Flores failed to answer the complaint in a timely manner, GEICO moved for a default judgment, which the court granted. Flores made several attempts to vacate or strike the default judgment.

Twice during the pendency of this case before the circuit court, Flores filed appeals. We have consolidated both for consideration. For the reasons we explain, the appeal in No. 17 is dismissed.

The second appeal, No. 633, was filed after the court denied Flores’ motion to strike the default judgment. The only cognizable issue Flores raises in that appeal is he was not adequately served with the order of default. For the reasons we explain, we find no error in the circuit court’s denial of the motion to strike judgment. We, therefore, affirm.

BACKGROUND

On May 21, 2021, a 2016 Dodge Charger struck a pedestrian, Daniel Hester, near 118 El Camino Way in Fort Washington. After some initial confusion, GEICO discovered Flores was the driver.¹ Because Flores was uninsured, Hester’s carrier, GEICO, provided uninsured motorist coverage for him. GEICO settled the bodily injury claim and paid out \$100,000.00 to Hester for his injuries caused by the accident.

¹ GEICO initially sued Victor Flores. But after being served, Victor told GEICO that his son, Vince, was the actual driver.

GEICO filed suit against Flores to recoup the money it paid to Hester. At the time, Flores was an inmate of the Maryland Department of Corrections, housed at the Dorsey Run Correctional Facility in Jessup (hereafter, simply “Jessup”). Court documents show GEICO served Flores at Jessup on June 13, 2024. Flores did not answer the complaint within thirty days. As a result, GEICO moved for an order of default on August 23, 2024. Court documents further show the order of default was issued on August 26, 2024, and the order specifically stated the next step was “to take testimony as to damages” at a future hearing unless Flores moved to set aside the order of default within thirty days.

Instead, Flores filed a “Motion to Defend” two months later, November 13, 2024, then an “Opposition to the scheduling of a hearing until Plaintiff provides Defendant with Discovery” on December 30, 2024. GEICO filed a reply to Flores’ request for discovery on January 2, 2025.

On January 23, 2025, the circuit court held a hearing on damages and rendered a default judgment in GEICO’s favor in the amount of \$100,000.00. A week later, on January 30, 2025, the court ruled Flores’ discovery requests were now moot.

APPEAL NO. 17

Flores then filed a “Motion to Vacate Order of Default”² on February 14, 2025, and GEICO filed a response on March 4, 2025. The next day, Flores filed his first notice of appeal, No. 17—before the court could act on his February 14 motion and more than thirty

² We note that by this time, the circuit court had entered a judgment of default.

days after the entry of judgment on January 23, 2025. Under Maryland Rule 8-202(a), a notice of appeal must be filed “within 30 days after entry of the judgment or order from which the appeal is taken.” On this Court’s own motion, the appeal in No. 17 is dismissed as there is no order for us to review that was entered thirty days before the notice of appeal was filed.

APPEAL NO. 633

On March 31, 2025, Flores moved under Rule 2-535(b) to strike the default judgment.³ The circuit court denied that motion on May 8, 2025. Flores filed his second notice of appeal, No. 633, on May 20, 2025. We will address the merits of this appeal.

In his informal brief, Flores argues the circuit court clerk never served him with “the order,” which we understand he means the order of default. We reach that conclusion because in appeal No. 17 and in several pleadings, including the addendum to the motion to strike judgment, Flores specifically argued that he was not served with the order of default. Because service of the order of default was not accomplished, Flores contends that order must be vacated and so too the judgment therein.

Maryland Rule 2-535(b) states: “On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or

³ Flores also filed an addendum to the motion to strike judgment, dated May 10, 2025, which the court docketed on May 15, 2025. By the time he had filed the addendum, the court already denied the motion to strike judgment. Accordingly, the addendum is moot.

irregularity.” We will accept Flores’ argument to be that he is claiming the alleged non-service of the order to be either a “mistake” or an “irregularity” under Rule 2-535(b).

Under either theory—mistake or irregularity—the record disproves Flores’ contentions. In the record there is an affidavit of service, filed June 17, 2024. The affidavit was signed under the penalties of perjury by Japera Williams and stated:

On the 13th day of June, 2024 at 12:53 PM at the address of 2020 Toulson Drive, Jessup, Anne Arundel County, MD 20794; the undersigned served the above described documents upon Vince Isaac Palawar Flores (INMATE ID #00490612) by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Vince Isaac Palawar Flores (INMATE ID # 00490612), I delivered the documents to Vince Isaac Palawar Flores (INMATE ID # 00490612) with identity confirmed by subject showing identification. The individual accepted service with direct delivery. The individual appeared to be a black-haired Hispanic male contact 25-35 years of age, 5’8”-5’10” tall and weighing 180-200 lbs with glasses. No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

With nothing more, we cannot dispute what the signed affidavit of service says, namely, that Japera Williams served Flores at Jessup with GEICO’s complaint.

After Flores did not timely answer the complaint, GEICO moved for an order of default. The record shows the circuit court clerk entered the order of default on August 26, 2024. In the second numbered paragraph, the order of default specifically noted Flores, “Inmate ID 004690612,” was located at “the Dorsey Run Correctional Facility located at 202 Toulson Drive, Jessup, MD 20794.” The same day, the clerk sent the order of default to that address.

“The constitutionality of a particular notice mechanism is not to be judged by its actual success—whether an individual or group is in fact notified—but turns instead on whether the chosen method is reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Voltolina v. Property Homes, LLC*, 198 Md. App. 590, 599-600 (2011) (discussing service of process in the foreclosure context.) Under the circumstances presented here, we are hard pressed to dispute the clerk’s official docket entries. We cannot conclude, based on Flores’ bare assertion, that the order was not sent to him at Jessup. If we did, then we can easily imagine vacating scores of judgments without proof other than a petitioner’s say-so.⁴

On this record, we conclude that under Rule 1-234 the clerk sent Flores the order of default with instructions for how to address the default, but for whatever reason, Flores did not. On this record, we cannot say the circuit court erred in declining to vacate either the order of default or the subsequent default judgment.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. THE COSTS, NORMALLY
PAID BY THE APPELLANT, ARE
WAIVED UNDER THE CIRCUMSTANCES
OF THIS CASE.**

⁴ Further, Flores claims he did not realize what he should do after the default was issued. The notice of the order of default specifically says Flores had 30 days to move to vacate the order. *See Notice of Default Order dated 8/26/24.*