

Circuit Court for Howard County  
Case No. C-13-CV-23-000187

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 281

September Term, 2023

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DEAFUEH MONBO

v.

RICHMOND AMERICAN HOMES OF  
MARYLAND, INC, *et al.*

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Arthur,  
Tang,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 28, 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.

Deafueh Monbo, appellant, appeals from an order issued by the Circuit Court for Howard County granting a motion filed by Richmond American Homes of Maryland, Inc. (Richmond) and Tim Phelps, appellees, to transfer his civil action to the Circuit Court for Baltimore County pursuant to Maryland Rule 2-327(c). On appeal, he raises three issues which reduce to one: whether the court abused its discretion in granting the motion to transfer venue. For the reasons that follow, we shall affirm.

Appellant entered into a contract with Richmond for the construction of a new home in Baltimore County. Not satisfied with the home after it was completed, appellant refused to settle and instead filed a civil action against Richmond in the Circuit Court for Baltimore County raising claims of fraud, breach of contract, and specific performance. Appellee filed a motion to dismiss on the grounds that the parties' contract required mandatory mediation and arbitration, which the circuit court ultimately granted.

Appellant then filed a substantially similar complaint in the Circuit Court for Howard County, which added Phelps, an employee of Richmond, as a defendant. Appellees responded by filing a motion to transfer venue to Baltimore County pursuant to Rule 2-327(c). Although they conceded that venue was proper in Howard County, appellees asserted that Baltimore County was a more convenient forum because they also did business in Baltimore County, appellant lived in Baltimore County, the home was built in Baltimore County, and appellant had previously filed a similar complaint in Baltimore County that had been dismissed. Appellant did not file a response or otherwise object to the motion. After the court granted the motion, appellant filed the instant appeal.

On appeal, appellant contends that venue was proper in Howard County and, because he had chosen that forum, “the court maintain[ed] no discretion to alter [his] decision based on lack of venue[.]” This claim, however, is not preserved as it was not raised in the circuit court. In fact, appellant did not raise any objection to appellees’ motion to transfer venue prior to the motion being granted. Consequently, we need not decide this issue 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”).

But even if this contention were preserved, it lacks merit. To be sure, appellant is correct that venue was proper in Howard County. Appellees concede as much. However, Rule 2-327(c) specifically provides that “the court may transfer any action to any other circuit court where the action might have been brought if the transfer is for the convenience of the parties and witnesses and serves the interests of justice.” Therefore, appellant is incorrect that the court had “no discretion” to transfer venue in this case. And appellant does not otherwise indicate why the court’s determination that Baltimore County was a more convenient forum constituted an abuse of discretion under the circumstances. *See Diallo v. State*, 413 Md. 678, 692 (2010) (“[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.”) (quoting *Klaunberg v.*

*State*, 355 Md. 528, 552 (1999)). Consequently, we shall affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT COURT  
FOR HOWARD COUNTY AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**