Circuit Court for Montgomery County
Case No.: 441353V

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 341

September Term, 2025

THOMAS HOWES

v.

ROY JOSEPH

Wells, C.J.,
Nazarian,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 10, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In December 2017, appellant Thomas Howes sued appellee Roy Joseph in the Circuit Court for Montgomery County, seeking a "permanent injunction." After years of amended pleadings, partial dismissals, and partial grants of summary judgment, the operative complaint alleged three counts of defamation. These remaining claims stemmed from an email that Joseph sent to the Compliance Manager at Howes's place of employment. After discovery was completed, a jury trial was scheduled for March 2025.

Two days before trial, Joseph moved for summary judgment. On the scheduled trial date, the court heard argument from the parties about Joseph's motion and reviewed the transcript of the Compliance Manager's deposition. In the end, the court granted the motion and entered summary judgment in Joseph's favor. This appeal followed.

On appeal, Howes does not challenge the substance of the court's ruling. Rather, he raises only procedural arguments. Howes contends that the court erred in granting Joseph's motion because it was filed after the deadline set by the scheduling order for such motions and Howes was not given the chance to file a written opposition. He also contends he was not properly served with Joseph's motion.

These issues are not preserved. "Ordinarily, an appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]" Md. Rule 8-131(a). At the hearing on Joseph's motion, Howes did not object to the timeliness of the motion or the adequacy of service, nor did he request additional

time to file a written opposition. By failing to do so, he has forfeited the issues for appellate review.[1]

Because Howes has presented no argument on the merits of the circuit court's granting of summary judgment, we shall affirm its judgment.[2] *See* Md. Rule 8-504(a)(6) (requiring a party to present, in their principal brief, "[a]rgument in support of [their] position on each issue").

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

[1] Even if these issues were preserved, we would affirm. "A motion for summary judgment may be made, even orally, at any time during proceedings." *Rodriguez v. Clarke*, 400 Md. 39, 74 n.21 (2007). The deadline set by a scheduling order does not change that. *Benway v. Md. Port Admin.*, 191 Md. App. 22, 43 (2010). Moreover, the record reflects that Joseph served his motion upon Howes by First-Class Mail, postage prepaid, at Howes's address of record. Because "[s]ervice by mail is complete upon mailing[,]" Md. Rule 1-321(a), Howes was properly served with the motion. The record reflects also that Joseph emailed a courtesy copy of the motion to Howes to ensure he received it before the hearing. The transcript shows that Howes made detailed and specific arguments at the hearing responding to the arguments raised in Joseph's motion, indicating that he received and reviewed it beforehand; he has never claimed otherwise. At bottom, Howes was entitled to notice of Joseph's motion and an opportunity to be heard in opposition. *See Roberts v. Total Health Care, Inc.*, 349 Md. 499, 509 (1998). He received both, and the circuit court thus did not err in ruling on the motion.

[2] In the penultimate and antepenultimate sentences of his brief, Howes generally states that "the trial court applied no legal standard at all" and "did not examine that there was no proper service of the motion, the timing of the motion, the existence of material facts, or the procedural history." To the extent he means to argue that a dispute of material facts precluded summary judgment, Howes does not identify any such disputed facts. Put simply, "it is not incumbent upon this Court, merely because a point is mentioned as being objectionable at some point in a party's brief, to scan the entire record and ascertain if there be any ground, or grounds, to sustain the objectionable feature suggested." *Van Meter v. State*, 30 Md. App. 406, 408 (1976) (cleaned up).