

Circuit Court for Charles County
Case No. C-08-CV-20-000099

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 516

September Term, 2020

STANLEY JONES, *et al.*

v.

PHH MORTGAGE CORP., *et al.*

Reed,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 22, 2021

*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.

In 2020, Stanley Jones and Debra Jones, appellants, filed a complaint against appellees¹ in the Circuit Court for Charles County raising the following claims: (1) lack of standing to foreclose; (2) fraud in the concealment; (3) fraud in the inducement; (4) intentional infliction of emotional distress; (5) slander of title; (6) quiet title; (7) declaratory judgment; (8) violations of the Truth in Lending Act; (9) violations of the Real Estate Settlement Procedures Act; and (10) rescission. Appellees filed motions to dismiss the complaint on the grounds that it failed to state a claim upon which relief could be granted, was barred by the doctrine of res judicata, and was barred by the statute of limitations. Following a hearing, the court granted the motions to dismiss. This appeal followed.

As an initial matter, we must resolve two motions filed by appellants. First, appellants have filed a motion to remand the appeal for entry of a final judgment because, although the court’s dismissal was memorialized on a hearing sheet, it was never set forth on a separate document. In that motion, appellants ask us to disregard their request as moot if the hearing sheet was sufficient to constitute a final judgment. Appellees have filed an opposition, wherein they do not object to the absence of a separate document. Although Maryland Rule 2-601(a) requires that “each judgment shall be set forth on a separate document,” that requirement can be waived where all other elements of a final judgment are present, no party objects to the absence of a separate document, and remanding the case to the circuit court to file and enter a separate judgment would result in “wheels spinning

¹ Appellees are PHH Mortgage Corporation; Nationstar Mortgage, LLC; Selene Finance; Fannie Mae; and the Mortgage Electronic Registration System.

for no practical purpose.” *URS Corp. v. Fort Myer Construction Co.*, 452 Md. 48, 69-70 (2017). Because the parties concede that the court intended an unqualified, final disposition of the matter in controversy when it dismissed appellants’ complaint; the clerk’s record is clear as to the dismissal; and neither party has objected to the absence of a separate document, we hold that the separate document requirement has been waived and shall deny the motion to remand.

Appellants have also filed an amended motion to stay the appeal, “pending the outcome of an ongoing investigation by Federal Government Agencies . . . concerning the allegations of mortgage fraud and embezzlement.” However, the motion does not indicate how the outcome of this investigation would affect the validity of the trial court’s order dismissing their complaint. Consequently, we shall deny the motion to stay.

Turning to the merits, appellants ask us to consider two “attachments,” which outline some of their claims against appellees. However, their brief does not raise any issues with respect to the court’s order dismissing their complaint.² For example, they do not contend, even in a cursory manner, that the court erred in finding that their complaint was barred by the doctrine of res judicata or that it failed to state a claim upon which relief could be granted. Therefore, we will not consider these issues on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)). Appellants ultimately

² In fact, appellant’s brief states that they are appealing from orders issued by the circuit court in a related foreclosure case. However, those orders, which were issued in 2017 and 2018, are not properly before us in this appeal.

bear the burden of demonstrating that the court erred in dismissing their complaint. As they have not done so, we shall affirm the judgment of the circuit court.

**MOTION TO REMAND DENIED.
AMENDED MOTION TO STAY
DENIED. JUDGMENT OF THE
CIRCUIT COURT FOR CHARLES
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANTS.**