

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 592

September Term, 2024

AHFEEYAH THOMAS

v.

EMMAROSE AGENCY, *et al.*

Graeff,
Kehoe, S.,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 9, 2025

*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 2022, Ahfeeyah Thomas, appellant, filed a complaint in the Circuit Court for Prince George’s County against The EmmaRose Agency and Tiffany Tolliver, appellees, raising claims of breach of contract, negligence, and fraud. The court subsequently granted appellees’ motion to dismiss the negligence and fraud claims, and the case proceeded to a bench trial on appellant’s breach of contract claim. On March 1, 2024, the court entered a final judgment granting judgment in favor of appellees, and against appellant.

More than 10 days after that judgment was entered appellant filed a motion for a new trial and to alter or amend the judgment (motion to revise) claiming that: (1) she received ineffective assistance of counsel “resulting in crucial evidence not being entered;” (2) there had been “judicial bias” based on “unexplained denials of motions and apparent bias during the trial proceedings;” (3) “[c]rucial evidence that could have substantiated [her] claims” was “not allowed to be entered and considered during the trial;” and (4) “[e]vidence has emerged indicating that the opposing party committed perjury on the stand[.]” The court denied the motion on April 23, 2024. Appellant filed her notice of appeal on May 22, 2024. Appellant now raises five issues on appeal: (1) whether the court erred in finding that a release agreement she signed was not the result of duress; (2) whether the court erred in not finding a material breach of contract by appellee; (3) whether the court erred in not awarding the damages she requested; (4) whether the court erred in denying her motion to alter or amend the judgment based on new evidence of perjury; and (5) whether the court erred in excluding certain evidence at trial. For the reasons that follow, we shall affirm.

Following entry of judgment in a trial court, a litigant seeking to revise or modify the order may file (1) a motion for a new trial pursuant to Maryland Rule 2-533; (2) a motion to alter or amend the judgment pursuant to Maryland Rule 2-534; or (3) a motion for the court to exercise its revisory power pursuant to Maryland Rule 2-535. But if a motion, however labeled, is filed more than ten days but less than thirty days after the entry of judgment, it will be treated as a motion under Maryland Rule 2-535. *Pickett v. Noba, Inc.*, 114 Md. App. 552, 557 (1997). Because appellant filed her motion to revise more than ten days after the entry of the court’s final judgment, it is therefore deemed to have been filed pursuant to Rule 2-535.

Where the circuit court denies a motion to revise under Rule 2-535 and the party appeals that denial more than thirty days after the entry of the underlying judgment, as occurred here, the propriety of the underlying judgment is not before this Court. *Id.* at 558-59. Rather, the only question before this Court is whether the denial of the motion to revise that judgment was an abuse of discretion. *See Stuples v. Baltimore City Police Dep’t*, 119 Md. App. 221, 240 (1998). An abuse of discretion is defined as “discretion manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons.” *In re Don Mc.*, 344 Md. 194, 201 (1996) (quotation marks and citation omitted). This Court will not reverse a trial court’s decision to decline to exercise its revisory power “unless there is grave reason for doing so.” *Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 724 (2002). In this context, the issue before the appellate court is not whether the trial court “was right or wrong” in denying the motion to revise, but whether the decision to deny the motion to

revise “was so far wrong . . . as to constitute a clear abuse of discretion.” *Stuples*, 119 Md. App. at 232 (emphasis omitted).

As an initial matter, appellant’s claims that the court erred in denying her claim of duress, in failing to find a material breach of contract, and in denying her claim of damages were not raised in her motion to revise. But only the denial of the motion to revise, not the validity of the underlying judgment, is properly before us. Therefore, we will not consider those claims on appeal.

Appellant’s remaining contentions, that appellees committed perjury and that the court erred in excluding certain evidence, were raised in her motion to revise. Nevertheless, we discern no abuse of discretion in the court’s denial of her motion on those grounds. As to her perjury claim, the motion to revise did not specifically identify what testimony she believed to be perjured, or what new evidence she was relying on to support her contention. Similarly, the motion did not indicate what “crucial evidence” she believed had been excluded or provide any legal basis for why its exclusion was improper. In short, appellant’s motion to revise failed to provide the court with any particularized basis to revise its judgment or order a new trial. Under those circumstances, we cannot say the court’s decision not to revise its judgment constituted a clear abuse of discretion. Consequently, we shall affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**