

Circuit Court for Prince George's County  
Case No.: CAL21-02981

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 787

September Term, 2021

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VANESSA HARRISON

v.

CRAIG WILLIAM NEISWAGNER

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Graeff,  
Arthur,  
Eyler, James R.,  
(Senior Judge, Specially Assigned)

JJ.

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Opinion by Eyler, J.

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Filed: February 10, 2022

\*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.

Appellant Vanessa Harrison, appearing *pro se*, appeals the Circuit Court for Prince George’s County’s grant of appellee Craig William Neiswagner’s motion to dismiss. Because Ms. Harrison’s claims are barred by the statute of limitations, we shall affirm the judgment.

### **BACKGROUND**

In March of 2021, Ms. Harrison filed a complaint against Mr. Neiswagner for allegations arising from Ms. Harrison’s mother’s stay at NMS Hyattsville Skilled Nursing Home, located in Hyattsville, Maryland (“NMS Hyattsville”), where Mr. Neiswagner worked as the facility administrator. According to the complaint, in October of 2016, Ms. Harrison signed a contract with NMS Hyattsville for rehabilitation for her mother. Ms. Harrison maintains that thereafter, from December 2016 to June 2017, Mr. Neiswagner conducted various wrongful billing practices for services. Mr. Neiswagner filed a motion to dismiss, asserting that Ms. Harrison’s claims were beyond the statute of limitations. The court granted Mr. Neiswagner’s motion, and Ms. Harrison filed this appeal.<sup>1</sup>

### **STANDARD OF REVIEW**

We review a grant of a motion to dismiss to determine whether the trial court was legally correct. *Higginbotham v. Pub. Serv. Comm’n of Maryland*, 171 Md. App. 254, 264 (2006). We must “determine whether the complaint, on its face, discloses a legally sufficient cause of action.” *Fioretti v. Maryland State Bd. of Dental Exam’rs*, 351 Md. 66, 72 (1998). Facts asserted by the plaintiff which “compris[e] the cause of action must be

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<sup>1</sup> Mr. Neiswagner did not file a brief in this Court.

pleaded with sufficient specificity. Bald assertions and conclusory statements by the pleader will not suffice.” *Bobo v. State*, 346 Md. 706, 708-09 (1997).

### **DISCUSSION**

The only issue before this Court is whether the circuit court erred in dismissing Ms. Harrison’s complaint based upon the statute of limitations. We hold that it did not. The acts or omissions alleged by Ms. Harrison occurred from October 4, 2016 to August 15, 2017. Accordingly, Ms. Harrison’s complaint, filed on March 17, 2021, was over six months beyond the three-year statute of limitations for even the latest allegation therein. Md. Code Ann., Courts and Judicial Proceedings, § 5-101. As this Court has stated previously, “[s]tatutes of limitation are to be strictly construed,” and courts must “refus[e] to give such statutes a strained construction to evade their effect.” *Decker v. Fink*, 47 Md. App. 202, 206 (1980). Ms. Harrison did not address the statute of limitations issue before this Court or the circuit court, and the issues she does raise on appeal are not properly before us. The judgment is affirmed.

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