

Circuit Court for Prince George's County
Case No.: C-16-CV-24-001635

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 964

September Term, 2024

ALAN LANCASTER

v.

JAMES CLARK, *et al.*

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

JJ.

PER CURIAM

Filed: May 14, 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.

Alan Lancaster, appellant, sued the Substitute Trustees,¹ appellees, in the Circuit Court for Prince George’s County, alleging wrongful foreclosure. The circuit court, in a separate action, had previously ratified the Substitute Trustees’ foreclosure sale of Lancaster’s property, which this Court affirmed on appeal. *See Lancaster v. Clarke, Dyson, Menapace*, No. 1519, Sept. Term, 2022 (filed July 28, 2023), *cert. denied*, 486 Md. 153 (2023). Accordingly, the Substitute Trustees moved to dismiss Lancaster’s complaint as barred by *res judicata*. After a hearing, the court granted the Substitute Trustees’ motion and dismissed the case. This appeal followed.

We review the grant of a motion to dismiss *de novo*. *D.L. v. Sheppard Pratt Health Sys., Inc.*, 465 Md. 339, 350 (2019). *Res judicata* prevents a party from relitigating a claim that has already been fully and fairly decided. *Facey v. Facey*, 249 Md. App. 584, 608 (2021). Its elements are: (1) the parties in both cases are the same; (2) the claim presented in both cases is the same; and (3) there was a final judgment on the merits. *Id.* “When these three elements are present, the first claim is merged into the judgment and bars the second claim.” *Id.* (cleaned up). *Res judicata* will also bar “claims based on facts that could have constituted a defense or counterclaim in a prior proceeding” even if they were not presented. *Id.*

The parties in this case are the same as in the prior case. Lancaster’s complaint here challenged the same foreclosure sale at issue in the prior proceeding. And his claims contesting the Substitute Trustees’ right to foreclose either were raised in the prior

¹ Substitute Trustees are James Clark, Christine M. Drexel, and Peter James Duhig.

proceeding or are “based on facts that could have constituted a defense or counterclaim” there. *Id.* Either way, the final judgment on the merits in the foreclose action forbids Lancaster from relitigating this matter. Indeed, this Court has expressly held that the ratification of the foreclosure sale “is *res judicata* as to the validity of such sale, except in case of fraud or illegality, and hence its regularity cannot be attacked in collateral proceedings.” *Bank of New York Mellon v. Nagaraj*, 220 Md. App. 698, 707 (2014) (cleaned up). Accordingly, because the elements of *res judicata* were met, the circuit court did not err in dismissing Lancaster’s complaint.

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