

Circuit Court for Montgomery County
Case No. 150504FL

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0974

September Term, 2024

ANTHONY FOSTER

v.

JEWEL FOSTER

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

JJ.

Opinion by Leahy, J.

Filed: March 30, 2026

* This is an unreported opinion. The opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

On January 12, 2018, Anthony Foster (“Father”), the appellant, filed for a divorce from Jewel Foster (“Mother”), the appellee, in the Circuit Court for Montgomery County. The parties had two children during the marriage and were granted a judgment of absolute divorce (“JAD”) on February 26, 2020. Since then, the parties have filed countless motions challenging the JAD, and have requested and obtained numerous hearings, as reflected on the docket for Case No, 150504FL which is over 154 pages long.

The instant appeal concerns Father’s ongoing challenge to the circuit court’s alimony award. In the JAD, the circuit court found, among other things, that Father owed Mother \$3,000 per month in alimony, retroactive to the initial filing date. Father has since filed numerous motions to reduce alimony arrears and requested hearings on those motions.

On June 13, 2024, the circuit court entered the underlying order denying Father’s “Motion to Reduce Alimony Arrears Due to Overpayment of Child Support” and denying his amended motion for a hearing. Father noted a timely appeal from this order and presents four questions for our review:

1. “Did the Court abuse its discretion. . . when it denied appellant’s motion request for hearing, to be heard on Amended motion to reduce alimony arrears due to overpayment of child support.”
2. “Did the Court abuse its discretion when it failed to make the required findings of fact under Maryland Code Fam. Law Section 11-106(b)(1) of the ability of the party seeking alimony to be wholly or partly self-supporting. When the Court did not consider the financial circumstances of Defendant and the evidence presented at trial showed that Defendant does have the financial ability to partially self-supporting if not wholly self-supporting.”
3. “Did the Court abuse its discretion buy failing to comply with Rule 2-433(3) by not imposing a judgment of default for Defendant’s gross

neglect of discovery requests throughout the case, moreover, failure to comply fully to the Court Order to Compel entered on November 14, 2023.”

4. “Did the Court abuse its discretion when it refused to hear testimony and receive evidence from appellant regarding substantial alimony arrears balance of \$102,000, as being harsh and inequitable.”

The second, third, and fourth questions presented by Father challenge various determinations by the circuit court that were already decided in the ongoing family case in orders that were issued prior to the underlying order and from which no appeal was taken. The second question raises issues that were considered at the August 12, 2022 hearing and addressed in the court’s order issued on August 29, 2022.¹ Similarly, the third question challenges the court’s determination in an order issued on November 3, 2023. The fourth question addresses issues considered during a hearing that was held on April 26, 2024, and decided in an order issued on April 30, 2024. All three of these orders fall outside the 30-day appeal window and are therefore not before this Court. Md. Rule 8-202(a) (“the notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken.”); Md. Rule 8-602(b) (“The court shall dismiss an appeal if . . . the notice of appeal was not filed with the lower court within the time prescribed by Rule 8-202.”). Accordingly, we will only address the first issue, which we rephrase as follows:

¹ The court noted at the August 12, 2022 hearing that it had already considered the “equitable factors listed in 11-106(b)[.]” At that hearing, the court also ordered Mother rehabilitative alimony, asserting that she “will continue to need some assistance in the form of alimony as she is not presently self-supporting earning \$30,000 a year from her disability.”

1. Did the circuit court abuse its discretion when it denied Father’s motion for a hearing and denied his second amended motion to terminate ongoing alimony per month in its June 13, 2024 order?

As we explain below, the underlying June 13 interlocutory order addressed two motions: Father’s amended motion to terminate alimony and his motion for a hearing on that motion. Although Father timely appealed from the June 13 order, the substantive issues addressed in the amended motion to terminate alimony were *res judicata*. Accordingly, we hold that the circuit court did not abuse its discretion in denying the motion for a hearing on issues that had already been decided by the court. We affirm.

BACKGROUND

The Divorce

Our summary of the enormous record in this case will focus on those facts that are necessary to provide context for the issues properly raised in this appeal.

In January 2018, Father filed for a limited divorce from Mother, his spouse of twenty-three years, following the parties’ separation months prior.² Father later amended the complaint to request an absolute divorce. Mother also filed a counter complaint for absolute divorce, requesting, among other things, indefinite alimony, equal distribution of marital property, child support, and custody of their two children.

Following a two-day merits hearing in June 2019, which addressed the issues of divorce, alimony, division of property, and other issues, the circuit court entered the JAD

² Both children, who were 19 and 15 years old at the time of the JAD, are now emancipated.

on February 26, 2020. The court awarded Mother \$3,000 a month in Alimony (commencing and accounting from the date of the filing on January 12, 2018), \$91,457.10 in attorneys' fees, and child support pursuant to the Maryland Child Support Guidelines (\$1,064).

On March 6, 2020, Father filed a motion followed by an amended motion on March 17, 2020 for reconsideration of the JAD, arguing in relevant part that he could not afford to pay the alimony and that Mother is wholly self-supporting. Father filed a motion to stay the JAD as to the alimony order. On April 21, 2020, Mother filed a "Motion to Enforce the Alimony Award and for the Entry of an Earnings Withholding Order," which Father opposed. An earnings withholding order was later entered on June 29, 2020, and mailed to Father's employer, the United States Department of Health and Human Services. On November 5, 2020, the circuit court entered a judgment against Father in the amount of \$102,000 in alimony arrears.

Also on June 29, 2020, the court entered an order denying Father's amended motion for reconsideration of the JAD, reasoning that Father failed to provide evidence for his assertions. On July 8, 2020, Father filed a notice for en banc review of the court's decision followed by a memorandum in support of his request. The court dismissed Father's request on August 28, which this Court reversed on April 20, 2021. *See Foster v. Blackmon*, No. 737, Sept. Term 2020, 2021 WL 1549679 (April 20, 2021).³

³ Before the en banc panel rendered a decision, the court again ordered the payment of alimony in an order issued May 26, 2021. Father submitted a motion for reconsideration

(Continued)

On July 13, 2021, the court appointed an en banc panel and set the hearing. On January 28, 2022, the parties appeared before an en banc panel to address the June 29, 2020 order denying Father’s motions to reconsider the JAD. As to alimony, on appeal, Father alleged that:

- 1) The Court failed to make the required findings of fact under Maryland Code Fam. Law Section 11-106(b) in awarding alimony to Defendant in the amount of Three Thousand Dollars (\$3,000.00) per month and abused its discretion in awarding that amount.
- 2) The Court failed to make the required findings of fact under Maryland Code Fam. Law Section 11-106(c) in awarding indefinite alimony to Defendant.

In its opinion, issued on February 28, 2022, the panel stated that, “[i]n addition to describing the parties, financial circumstances in detail, the Court cited and discussed every factor set forth in Md. Code Ann., FLA § 11-106 in making its alimony determination.” The panel affirmed the court’s award of alimony in the amount of \$3,000 per month and remanded to determine whether the evidence at trial supports a finding of rehabilitative or indefinite alimony. A hearing was set for June 15, 2021 to address this issue.

On March 21, 2022, the court issued an opinion and order denying Father’s argument in his motion to reconsider the JAD as to his inability to pay, reasoning that the court already considered this argument at the April 26 and 27, 2021 trial and stated:

Since the time of filing of his Motion for Reconsideration (January 3, 2021), Plaintiff’s En Banc appeal of the amount of monthly alimony previously awarded (\$3,000 per month) has been decided. In its decision, the En Banc court affirmed the trial court’s order that the Defendant pay to the Plaintiff

of this order in which he requested that the court stay any payments until after the en banc hearing.

the sum of \$3,000 per month in alimony. Thus, the Plaintiff's obligation to pay \$3,000 per month to the Defendant continues.

The MCOCS provided an audit in response to the Court's order. By virtue of a Line filed by the Montgomery County Office of Child Support (MCOCS) on June 21, 2021, following a fiscal record audit the Plaintiff was determined to be in arrears in spousal support (alimony) to the Defendant in the amount of \$106,503.35. The Plaintiff has taken issue with the accuracy of that audit.

At the status hearing held before the Court on March 9, 2022, the parties agreed that the Earnings Withholding Order (hereafter "EWO") previously in effect was no longer being honored by Plaintiff's employer and that Defendant has not received anything by way of earnings withholding from Plaintiff's pay in recent months. Pursuant to the prior EWO, a sum was being withheld from the Plaintiff's employment earnings to be applied to his ongoing alimony and prior child support obligations as well as the arrearage in his alimony obligation. Plaintiff is not paying either directly to Defendant or by way of earnings withholding the \$3,000.00 in monthly alimony that was affirmed by the En Banc court, let alone any payment toward his arrearage in alimony.

(Emphasis in original). The court noted that the issue of how much Father should be required to pay toward any existing alimony arrearage and his monthly payments of \$3,000 would be considered at the June 15, 2022 trial. Until then, Father was required to pay the \$3,000 monthly payments in alimony and \$1,250 per month toward the alimony arrearage.

Following this decision, Father filed a petition to modify alimony on March 24, 2022. Mother opposed, and a hearing was held on June 15 and 16, 2022. Following the hearing, the court signed an order on August 15, which was later entered on August 29, 2022, providing that: 1) Father pay Mother alimony in the amount of "Five Hundred Dollars (\$500.00) per month, commencing and accounting from August 1, 2022, and due and payable on the first day of every month thereafter for a period of thirty-six (36)

months”; and 2) Father pay Mother “the amount of One Thousand Dollars (\$1,000.00) per month toward the current alimony arrearage of \$102,224.94” until the balance is paid in full. Despite the court’s reduction in alimony from \$3,000 to \$500, Father filed a motion for reconsideration on August 31, arguing among other things, that the alimony period should have begun from the date of the JAD, February 26, 2022, which was 30 months prior. Father requested that his alimony arrears balance be lowered from \$102,224 to \$0.00. Further, Father claimed that Mother did not need alimony because she was “financially self-sufficient” and did not have mortgage expenses for over 36 months. The court denied the motion for reconsideration on September 28, 2022.

Motions to Terminate Alimony

On July 18, 2023, Father filed a “Motion to Reduce Alimony Arrears Due to Overpayment of Child Support,” in which he argued that the court “never addressed the child support overpayment” in its August 15, 2022 order modifying the alimony award. Father requested that “alimony arrears be reduced by the \$12,147.24 overpayment in child support.” Father filed an amended motion on March 13, 2024, in which he added further argument regarding the alleged overpayment of child support. Father requested that the:

[A]limony arrears balance of \$106,503.34 be reduced to zero \$0.00 on the basis of (1) the overpayment of child support payments in the amount of \$20,434.00 and (2) [Mother] has made enough progress to partly self-supporting for the court to terminate alimony.

Father reiterated his challenge to the court’s reduction in alimony from \$3,000 to \$500 beginning August 1, 2022, claiming that this led to Mother receiving excessive alimony. Father also argued that Mother’s total monthly expenses could be reduced from

\$6,242 to \$2,846 because Mother was no longer making mortgage payments. Further, Father argued that Mother “has progressed to being partly self-supporting” as her “financial circumstances have changed as a result of an increase in the annual amount of DOL-OWCP Disability Benefit received” and she has “lived independently for the previous 6 years[.]” Father alleged that Mother misrepresented the facts throughout the case. Based on the foregoing allegations, and even though the circuit court had already considered and denied Father’s motion reconsideration on the same issues, Father requested that the court reduce his alimony arrears to a balance of zero, terminate the ongoing alimony arrears payment in the amount of \$1,000 per month, and terminate the ongoing alimony amount of \$500 per month. He specified that the court should modify the alimony order to “retroactively apply the reduction in the amount of the alimony award from \$3,000 per month to \$500 per month towards the alimony arrears balance,” from January 12, 2018, to November 5, 2020.

Mother opposed Father’s amended motion, contending that Father’s argument that he overpaid child support and that no one “noticed that he had overpaid” had no basis as the court previously considered “the amount of child support payable, the amount of child support actually paid, and the amount of child support in arrears and not yet paid[.]”

A hearing was held on April 26, 2024, during which the court considered a number of motions, including Father’s initial motion to reduce alimony. The court acknowledged that Father sought to “reduce his alimony arrearage by \$12,147.24 for the asserted overpayment of child support.” The court denied the motion, reasoning that:

In a prior oral ruling culminating in the court’s order entered May 26, 2021, the court stated, Mr. Foster has requested OCSE, Office of Child Support

Enforcement audit contending that he has overpaid his child support and requesting a credit toward his alimony arrearage for the amount of any overpaid child support.

The court at that time determined that it was appropriate to grant his request for an audit so that a determination could be made of any arrears owed and so that if an appropriate adjustment could be made in any alimony arrearage for any excess in child support he may have paid. The court accordingly [stated] that an audit be made and that any excess child support paid would be credited toward any arrearage due on the alimony. The court's written order of May 26, 2021, which followed its oral ruling stated, in pertinent part, ordered that the Montgomery County of Office of Child Support Enforcement shall conduct an audit in this matter.

* * *

And as noted in a subsequent order of court that was entered March 21, 2022, the MCOSE provided an audit in response to the court's order. By virtue of a line filed by that office on July 21, 2021, following a fiscal record audit, the plaintiff was determined to be in arrears in spousal support, that is alimony, to the defendant in the amount of \$106,503.35. The plaintiff has taken issue with the accuracy of that audit. The court's March 21, 2022, order further provided that the then upcoming June 15, 2022, trial, the court would determine the amount of alimony arrearages owed by the plaintiff to the defendant as of the date of that hearing.

On May 5, 2022, my chambers emailed the parties and counsel requesting that they provide chambers with any and all information, documentation, et cetera, to support either party's contention of an overpayment of child support by the plaintiff. On May 18, 2022, the plaintiff provided his position about an overpayment of \$12,147.24. On May 27th, the defendant through her counsel provided her breakdown of overpayments. Thereafter, **in its written modification of alimony order entered August 15, 2022, and filed August 28, 2022, after having the benefit of the plaintiff's position regarding his asserted overpayment, defendant's position regarding overpayments and the Child Support Administration payment summary report dated August 10, 2022, the court determined the plaintiff's alimony arrearage to be \$102,224.94.**

Thus, the assertion in the plaintiff's currently pending motion that the court never addressed in its August 15, 2022, order, the requested credit towards his alimony arrearages for asserted child support overpayment is incorrect. The court had before it all the information regarding the asserted overpayment and each party's position regarding that issue, that is the

information from the plaintiff, the submission from the defendant, and the information from the Office of Child Support Enforcement, and made the determination that the plaintiff's alimony arrearage was \$102,224.94, which is the figure that the Office of Child Support Enforcement determined he owed as of August 10, 2022.

The plaintiff noted no timely appeal from this determination. **Plaintiff's present motion renewing his request for a credit of \$12,000 towards his alimony arrears is res judicata. It seeks to relitigate an issue, his alimony arrearage and asserted credit for overpaid child support that was decided by a now and ruled order entered back in August of 2022.** Any attempt by him at this point to again challenge the amount of arrearage determined by the court in its August 2022 order is far outside of the time limits permitted under the rules.

(Emphasis added). The court memorialized its ruling in its April 30, 2024 order in which it denied as *res judicata* Father's "Amended Motion to Reduce Alimony Arrears Due to Overpayment." The April 30, 2024 order provided:

Upon consideration of Defendant's Motion to Modify Alimony (**docketed 12/18/2022**), Plaintiff's Motion to Compel (**docketed 12/14/2023**), Plaintiff's Line Requesting Hearing on Open Motions (**docketed 12/19/2023**), Plaintiff's Request for hearing (**docketed 1/11/2024**), Plaintiff's Amended Motion to Reduce Alimony Arrears Due to Overpayment (**docketed 3/13/2024**), Defendant's Motion to Quash Subpoena to Thrift Line Service Center (**docketed 3/13/2024**), Plaintiff's Motion to Strike Defendant's Response in Opposition to Plaintiff's Amended Motion to Reduce Alimony Arrears Due to Overpayment of Child Support (**docketed 4/4/2024**), and any all responses or oppositions thereto, a hearing having been held on December 18, 2024, Plaintiff having appeared without counsel, Defendant having appeared with counsel, testimony having been taken and other evidence having been received, the arguments of the parties and the entire proceedings having been considered, and for the reasons stated by the Court on the record on April 26, 2024, it is this **30th day of April, 2024**, by the Circuit Court for Montgomery County, Maryland, hereby,

ORDERED, that Defendant's Motion to Modify Alimony (**12/18/2022**) be and the same is hereby, **DENIED**, and it is further,

ORDERED, that Plaintiff's Motion to Compel (**12/14/2023**) be and the same

is hereby **MOOT** as it was addressed at trial; and it is further,

ORDERED, that Plaintiff’s Line Requesting Hearing on Open Motions (12/19/2023) be and the same is hereby **MOOT**; and it is further,

ORDERED, that Plaintiff’s Request for hearing (dated 1/11/2024) be and the same is hereby **MOOT**; and it is further

ORDERED, that Plaintiff’s Amended Motion to Reduce Alimony Arrears Due to Overpayment (3/13/2024) be and the same is hereby, **DENIED** as res judicata; and it is further,

ORDERED, that Defendant’s Motion to Quash Subpoena to Thrift Line Service Center (3/13/2024) is and the same is hereby **MOOT**.

(Emphasis in original).

Father did not file an appeal from the April 30 order. Instead, Father filed a motion requesting another hearing on his “amended” motion to reduce alimony arrears. Father followed this motion for a hearing with yet another motion filed on May 18, 2024, titled, “Amended Motion To Reduce Alimony Arrears Due to Overpayment of Child Support.” On June 13, 2024, in the order relevant to this appeal, the court denied what the court styled as Father’s “Second Amended Motion to Terminate Ongoing Alimony Per Month and Father’s Amended Motion for Hearing.”

Father subsequently filed a notice of appeal on July 15, 2024, from:

[T]his Honorable Court’s Order entered on June 13, 2024, denying the Plaintiff’s Amended Motion For Termination of Alimony, and the Plaintiff’s Amended Motion for Hearing (5/18/2024). Additionally, the subsequent ruling of moot on Plaintiff’s Motion to Compel (12/14/2023) in order entered on April 30, 2024. Regarding the motion to compel, the Court never heard testimony, and did not receive evidence for consideration at the December 18, 2023 hearing.

DISCUSSION

I.

Appealability

Mother argues Father did not timely file this appeal. However, Father’s appeal is timely because it falls within the 30-day window provided in Md. Rule 8-202(a).

Under Maryland Rule 8-202(a), an appeal must be filed within 30 days “after entry of the judgment or order from which the appeal is taken.” Maryland Rule 1-203(a), states that “[i]n computing any period of time prescribed by these rules, by rule or order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not included.” If the last day falls on a weekend, as it did here, then “the period runs until the end of the next day that is not a Saturday, Sunday, or holiday[.]” Md. Rule 1-203(a)(2).

Father filed the notice of appeal on July 15, 2024, a Monday, and the order from which Father appeals was entered on June 13, 2024, a Thursday. The 30-day window for this appeal began on Friday, June 14, 2024, and ended on July 13, 2024, a Saturday. Therefore, the Notice of Appeal, which was filed on the following Monday, July 15, 2024, was timely.

Father’s appeal as it pertains to the June 13 order is also reviewable before this Court because it is an appealable interlocutory order under Maryland Code, Courts and Judicial

Proceedings (1973, 2020 Repl. Vol.) (“CJP”), Section 12-303.⁴ *See Adalakun v. Adalakun*, 491 Md. 1, 23 (2025) (explaining that the statute’s “language makes clear that an interlocutory order denying a request to rescind an order for the payment of money is immediately appealable unless the payment has been directed to be made to a court receiver.”). This applies to orders for the payment of alimony as well as those denying a request to rescind an order for the payment of alimony. *Pappas v. Pappas*, 287 Md. 455, 462 (1980).

This case involves the appeal of an interlocutory order denying Father’s request to terminate alimony and requesting a hearing to address that issue, which clearly involves the payment of money, and therefore falls under the exception in CJP § 12-303(3)(v).⁵ *See Ridgeway v. Ridgeway*, 171 Md. App. 373, 383 (2006) (reviewing the trial court’s denial

⁴ Section 12-303, which provides in relevant part that:

A party may appeal from any of the following interlocutory orders entered by a circuit court in a civil case:

* * *

(3) An order:

* * *

(v) For the sale, conveyance, or delivery of real or personal property or the payment of money, **or the refusal to rescind or discharge such an order**, unless the delivery or payment is directed to be made to a receiver appointed by the court[.]

(Emphasis added).

⁵ At the time that the order was granted, there were still other motions pending before the circuit court, and Father has another appeal in this family law case currently pending before this court captioned: ACM-REG-2219-2025.

of the appellant’s petition to terminate indefinite alimony). Therefore, the June 13 order was an appealable order and is properly before this Court.

II.

Appeal from Order Regarding Termination of Alimony

A. Parties’ Contentions

Father argues that the court abused its discretion when it denied his motion for a hearing on his “Amended Motion to Reduce Alimony Arrears Due to Overpayment of Child Support” in its June 13 order. Father takes issue with the accuracy of the audit conducted by the Montgomery County of Office of Child Support Enforcement from which he was found to be arrears in spousal support to Mother in the amount of \$106,503.35, and the court’s August 15, 2022 order determining the current alimony arrearage to be \$102,224.95. Father claims that the court’s statements at the April 26, 2024 hearing regarding the audit and the arrears finding, “is an unabashed misrepresentation of the facts.” Father alleges the court decided to deny his “Amended Motion to Reduce Alimony Arrears Due to Overpayment of Child Support” based only on the June 15 and 16, 2022 hearing where there was no testimony or evidence presented to the court.

Mother responds that Father filed an untimely appeal but contends that if we determine the appeal was timely, Father’s argument that the court failed to schedule a hearing must be rejected. Mother claims Father applied the incorrect standard of review and relies on his own interpretation of prior proceedings.

B. Legal Framework

When we review an alimony award, “we ‘defer[] to the findings and judgments of the trial court,’” but we “may disturb an award of alimony if we conclude that in making that award ‘the trial court abused its discretion or rendered a judgment that is clearly wrong.’” *Brewer v. Brewer*, 156 Md. App. 77, 98 (2004) (quoting *Innerbichler v. Innerbichler*, 132 Md. App. 207, 246 (2000)). Further, the “doctrine of res judicata applies in the modification of alimony . . . and the [appellate] court may not re-litigate matters that were or should have been considered at the time of the initial award.” *Ridgeway*, 171 Md. App. at 384 (quoting *Blaine v. Blaine*, 97 Md. App. 689, 698 (1993), *aff’d*, 336 Md. 49 (1994)). Therefore, we will not disturb the trial court’s order unless we find an abuse of discretion, which “should only be found in the extraordinary, exception, or most egregious case.” *Wilson v. John Crane, Inc.*, 385 Md. 185, 199 (2005).

C. Analysis

In his notice of appeal, Father appeals the court’s June 13, 2024 order denying his “Amended Motion for Termination of Alimony” and his “Amended Motion for Hearing.”⁶ Therefore, we will only address the issues that pertain to that order.

As the title implies, Father’s argument in his “Amended Motion to Reduce Alimony

⁶ The circuit court referred to “Plaintiff’s Amended Motion to Reduce Alimony Arrears Due to Overpayment” as “Plaintiff’s Second Amended Motion to Terminate Ongoing Alimony Per Month (docketed 3/13/2024)” in its June 13, 2024 order. We interpret the court’s designation to refer to what is at least the second time Father requested the court reduce his alimony arrears to zero due to overpayment of child support.

Arrears Due to Overpayment of Child Support” rests primarily on the ground that he overpaid \$20,434.00 in child support and that Mother should not be awarded alimony because she is partly self-supporting, has less expenses, and more money. The circuit court previously decided in its April 30, 2024 order that the issue of overpayment of child support arrears had already been considered and decided by the circuit court in its April 15, 2022 order modifying the alimony. Because Father’s “Amended Motion to Reduce Alimony Arrears Due to Overpayment of Child Support” primarily rests on an issue that had already been determined by the circuit court in prior rulings to be *res judicata*, the circuit court denied the motion in its June 13 order. Consequently, we discern no abuse of discretion in the circuit court’s determination, for the second time, that the issues raised by Father with regard to the overpayment of child support are *res judicata* and law of the case. *Powell v. Breslin*, 430 Md. 52, 63-65 (2013) (holding that the court’s grant of summary judgment in *Powell II* on the grounds of *res judicata* was warranted because the same parties and claims were raised in *Powell I*).

Father’s additional arguments that Mother was self-supporting, had less expenses due to her lack of a mortgage payment, and had more money from an increase in disability benefits, had all been considered and decided on numerous occasions over the course of litigation between the parties. The en banc panel acknowledged this in 2022, when it listed how the court has already addressed each of the factors in Md. Code, Family Law Article (“FLA”), Section 11-106(b) (1999, Repl. Vol. 2019) in determining the alimony award, including the ability of the party seeking alimony to be self-supporting and the financial

needs of that party. Therefore, we affirm the circuit court’s decision denying Fathers amended motion to terminate ongoing alimony per month.

Finally, because the June 13 order was an appealable interlocutory order, not a final judgment, and because the motion amounted to a motion to alter or amend a judgment pursuant to Maryland Rule 2–534 on grounds that had already been ruled upon in response to Father’s prior motions, a hearing on the amended motion was not required where the court, as in this case, denied the motion. *See Hill v. Hill*, 118 Md.App. 36, 44 (1997), *cert. denied* 349 Md. 103 (1998); *see also* Maryland Rule 2-311(f) (providing that “[e]xcept when a rule expressly provides for a hearing, the court shall determine in each case whether a hearing will be held, but the court may not render a decision that is dispositive of a claim or defense without a hearing if one was requested[.]”) Accordingly, the court did not abuse its discretion in denying the request for a hearing. We affirm.

**JUDGMENTS OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY
AFFIRMED; COSTS TO BE PAID BY
APPELLANT.**

The correction notice(s) for this opinion(s) can be found here:

<https://www.mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/0974s24cn.pdf>