

Circuit Court for Montgomery County  
Case No. 130873-FL

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1215

September Term, 2020

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MOUSSA MOAADEL

v.

DARIA MOAADEL

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Arthur,  
Beachley,  
Wilner, Alan M.  
(Senior Judge, Specially Assigned),  
JJ.

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Opinion by Arthur, J.

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Filed: September 21, 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.

The Circuit Court for Montgomery County denied a father’s motion to modify his child support obligations. Thirteen days later, the father filed what was, in substance, a revisory motion under Md. Rule 2-535(a). The circuit court denied the revisory motion, and the father appealed. We hold that the circuit court did not abuse its discretion in denying the revisory motion.

### **BACKGROUND**

Appellant Moussa Moaadel (“Father”) and appellee Daria Moaadel (“Mother”) were married in 2007. They have two minor children.

Father and Mother were divorced in 2016. Pursuant to a consent order, Father and Mother have joint legal custody of the children, and Mother has primary “residential” custody.

The parties do not dispute that Father agreed to pay child support in the amount of \$4,000 per month, as well as certain other expenses. Nor do they dispute that, after their divorce, Mother earned a college degree; obtained a job; and, at the time of the underlying hearing, was earning about \$70,000 per year.

In 2020, Father moved to modify his child support obligation on the grounds that his income had dropped substantially and that Mother’s income had increased substantially. On October 13, 2020, the circuit court denied that motion without a hearing. In reaching its decision, the court wrote that the motion did “not provide a basis for modification[.]”

On October 26, 2020, 13 days after the court denied his motion to modify, Father filed what he called a “Fourth Motion to Alter, Amend, Revise and Reconsider.” In that

motion, Father sought, among other things, the reconsideration of the denial of his motion to modify child support.

At a hearing on that motion, the judge noted that Father’s 2018 income tax return showed taxable income of negative \$22,210, and the 2019 return showed income of negative \$82,227. Father acknowledged, however, that he had \$4,820,000 in real estate assets, bank accounts worth \$300,000, stock and other investments valued at \$3,820,000, and \$50,000 in automobiles, for a total of \$8,990,000 in assets. He maintained that his child support obligation should be based only on his taxable income, and not on his millions of dollars in other assets. The circuit court disagreed.

Mother testified that she had been employed for “almost a year” as a security analyst and that she earned \$70,000 per year. She stated that her job was her “first ever employment.” Her parents had paid for her college classes, and she “owe[d] them that money.” Before Mother started working, her parents gave her “about \$2,000 a month” for “groceries and other expenses.” She acknowledged that Father paid child support of \$4,000 per month and that he paid for one activity per week and four weeks of camp per year for each child. She and the children lived in a two-bedroom apartment. Mother asserted that Father lived alone “in a \$2 million house.”

The court denied Father’s motion to reconsider the denial of the motion to modify the amount of his child-support obligation.

## DISCUSSION

We shall begin by clarifying the issues that are before us. The court denied Father’s motion to modify child support on October 13, 2020. He did not file his “Fourth Motion to Alter, Amend, Revise and Reconsider” until October 26, 2020.

Maryland Rule 2-534 provides, in part, that

[i]n an action decided by the court, on motion of any party filed within ten days after entry of judgment, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment.

If filed within 10 days after the entry of judgment, a motion to alter, amend, revise, or reconsider a judgment, however labeled, will be treated as a motion to alter or amend the judgment under Rule 2-534. *See, e.g., White v. Prince George’s County*, 163 Md. App. 129, 140 (2005). When a party files a motion to alter or amend within 10 days after the entry of judgment, the judgment loses its finality for appeal purposes. *See, e.g., Unnamed Attorney v. Attorney Grievance Comm’n*, 303 Md. 473, 486 (1985). Thus, if the court denies a motion to alter or amend and the aggrieved party notes a timely appeal, the appellate court may review every aspect of the underlying judgment, and not just the decision to deny the motion to alter or amend. *See B & K Rentals & Sales Co. v. Universal Leaf Tobacco Co.*, 319 Md. 127, 133 (1990); *Green v. Brooks*, 125 Md. App. 349, 363 (1999).

By contrast, if filed more than 10 days but less than 30 days after the entry of judgment, a motion to alter, amend, revise, or reconsider the judgment, however labeled,

will be treated as a request for the court to exercise its essentially “unrestricted discretion” (*see Platt v. Platt*, 302 Md. 9, 13 (1984)) to revise a judgment under Rule 2-535(a). A revisory motion under Rule 2-535(a) does not stay the time for noting an appeal from the judgment. *See, e.g., Pickett v. Noba, Inc.*, 114 Md. App. 552, 556 (1997). Thus, if the court denies a revisory motion and the aggrieved party notes an appeal more than 30 days after the entry of the underlying judgment itself, the propriety of the judgment itself is not an issue on appeal. *See, e.g., Stuples v. Baltimore City Police Dep’t*, 119 Md. App. 221, 240-41 (1998); *see also Estate of Vess*, 234 Md. App. 173, 204-05 (2017). The only issue on such an appeal is whether the circuit court abused its discretion in refusing to revise the judgment. *See, e.g., Stuples v. Baltimore City Police Dep’t*, 119 Md. App. at 231-32.

“It is hard to imagine a more deferential standard than this one.” *Estate of Vess*, 234 Md. App. at 205. Under that standard, we do not ask whether the circuit court was right or wrong in denying the motion to revise. *Stuples v. Baltimore City Police Dep’t*, 119 Md. App. at 232. “[E]ven a poor call is not necessarily a clear abuse of discretion.” *Id.* Instead, we ask only whether the denial of the motion to revise “was *so far wrong*—to wit, *so egregiously wrong*—as to constitute a clear abuse of discretion.” *Id.* (emphasis in original).

Father has not met this daunting standard. Here, the court considered the changes in the parties’ incomes identified by Father, noted Father’s vast economic resources, rejected the argument that his tax losses required a reduction in his child support obligation, and concluded that reconsideration of the denial of his motion to modify child

support was unwarranted. Father has failed to identify any basis on which we could conclude that the court was wrong, let alone egregiously wrong, in denying his revisory motion. Therefore, the circuit court did not abuse its discretion in denying his motion for reconsideration.

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