

Circuit Court for Baltimore City
Case No.: 24-O-13-000528

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1321

September Term, 2022

RENEE L. MCCRAY

v.

JOHN E. DRISCOLL, III, *et al.*

Arthur,
Tang,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 28, 2023

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Renee L. McCray, appellant, appeals from a series of orders issued by the Circuit Court for Baltimore City denying a series of motions to vacate the ratification of the foreclosure, accounting of the sale, and award of possession of her foreclosed property. On appeal, she raises four issues, which we restate here verbatim:

1. Did the Circuit Court err and abuse its discretion in its ruling denying the Appellant of her constitutional right of equal protection of the law by denying the Motion to Vacate the Order Dated 08/15/2019 Ratifying the Report of Sale (Doc. 160/0), pursuant to Md. Rule 2-535(b) and the Appellees fraud on the Court, pursuant to the Federal Rule of Civil Procedure 60(d)(3)?
2. Did the Circuit Court err and abuse its discretion by denying the Appellant equal protection of the law in its ruling denying the Motion to Vacate the Order Dated 04/26/2022 Granting Movants' Motion for Judgment of Possession and Request for Hearing, pursuant to Md. Rule 2-535(b), and the Appellees fraud on the Court, pursuant to the Federal Rule of Civil Procedure 60(d)(3)?
3. Did the Circuit Court err and abuse its discretion procedurally by denying each of the Appellant's Motions to Vacate (Docs. 160/0 and 161/0), denying the Appellant of her constitutional right of equal protection of the law, and equal protection of Maryland Constitution Declaration of Rights?
4. Did the Circuit Court lose subject matter jurisdiction, since the Appellant provided unrefuted evidence that FHLMC was never an injured party, secured party or holder the Appellant's 2005 Note, when the foreclosure action was initiated in 2013?

As the Substitute Trustees¹ point out, we have previously—and extensively—addressed each of these issues. *See Renee L. McCray v. John E. Driscoll, III, et al.*, No. 1463, Sept. Term, 2017 (filed Oct. 3, 2018); *Renee L. McCray v. John E. Driscoll, III, et al.*, No. 1367, Sept. Term, 2019 (filed Sept. 17, 2020); *Renee L. McCray v. John Driscoll, III, et al.*, No. 2112, Sept. Term, 2019 (filed March 11, 2021). McCray's arguments are

¹ Substitute Trustees are John E. Driscoll, III, Robert Frazier, Jana Gantt, Laura Harris, Kimberly Lane, and Deena L. Reynolds.

therefore barred by the law-of-the-case doctrine. *See Baltimore County v. Fraternal Order of Police, Baltimore County Lodge No. 4*, 449 Md. 713, 729 (2016). And even if McCray presented new arguments here, they would relate to the issues decided in her prior appeals—*i.e.*, they could have been raised and decided in those appeals—and they would still be barred. *See Kline v. Kline*, 93 Md. App. 696, 700 (1992). Further, although the prior appeals did not address the order of possession (because it had not yet been issued), McCray’s argument is transparently “an attempt to relitigate issues that were finally resolved in [those] prior proceeding[s].” *Manigan v. Burson*, 160 Md. App. 114, 119 (2004). As such, they “will no longer be entertained.” *Id.* at 120.

McCray does not identify any “evidence in a subsequent trial [that] is substantially different from what was before the [C]ourt in the initial appeal[s]” or any “controlling authority [that] has made a contrary decision in the interim on the law applicable to the particular issue[s]” that would allow the circuit court or this Court to revisit her arguments. *Fraternal Order of Police*, 449 Md. at 730. Instead, McCray claims that this Court’s prior decisions are “moot as a matter of law” because the circuit court had not ruled on her “10-Day Motion for Reconsideration” that she filed on August 20, 2019. She thus argues that this Court lacked jurisdiction over these appeals. As with her other contentions, however, we addressed McCray’s argument that the circuit court had not ruled on this motion in a prior appeal. *McCray*, No. 1367, Sept. Term, 2019, slip op. at 40. It is thus also barred.

Because McCray’s arguments have been or could have been ruled on in prior appeals, and the circuit court’s decisions were all in line with our prior decisions, it did not err in denying her motions.

**JUDGMENTS OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**