

Circuit Court for Prince George's County
Case No.: C-16-CV-25-001149

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1570

September Term, 2025

RAYMOND JOHNSON

v.

BOWIE STATE UNIVERSITY, *et al.*

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 6, 2026

*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.

In December 2024, appellant Raymond Johnson sued appellees Bowie State University and Aminta H. Breaux in the District Court of Maryland, sitting in Prince George’s County, raising various claims related to allegedly fraudulent conduct by Johnson’s student loan servicer.¹ The complaint contained a demand for a jury trial, so the case was transferred to the Circuit Court for Prince George’s County. The University and Breaux both moved to dismiss—the University for lack of service, Breaux for failure to state a claim. The circuit court held a hearing and granted both motions. This appeal timely followed.

On appeal, Johnson contends that the court erred in dismissing his complaint. We disagree.

We begin with the University. We review a dismissal based on lack of service for an abuse of discretion. *See Md. Dep’t of Health v. Myers*, 260 Md. App. 565, 610 (2024). We will reverse only if the circuit court’s decision was “beyond the fringe of what [we] deem[] minimally acceptable.” *Conwell Law LLC v. Tung*, 221 Md. App. 481, 499 (2015).

Johnson’s claims against the University were subject to the conditions and limitations spelled out in the Maryland Tort Claims Act.² *See* Md. Code Ann., State Gov’t (“SG”) §§ 12-104(a)–(b), 12-106, & 12-108. As relevant here, the Act provides that

¹ The complaint named six other defendants, all of whom were related to Johnson’s student loan servicer in some way. These other defendants reached a stipulated dismissal with Johnson and are not parties to this appeal.

² The University is a constituent institution of the University System of Maryland, a State entity. *See* Md. Code Ann., Educ. §§ 12-101(b)(6)(v) & 12-102(a)(2)–(3).

“service of the complaint and accompanying documents is sufficient only if made on the Treasurer.” SG § 12-108(a).

Johnson failed to meet this requirement. The record reflects that he emailed process to the Treasurer and an Assistant Attorney General. But although the Assistant Attorney General accepted service for Breaux, the Treasurer rejected service for the University because Johnson did not include a summons directed to the Treasurer. *See* Md. Rule 2-114(b)(3). He never corrected this deficiency.

Johnson does not dispute that he failed to properly serve the Treasurer—and, by extension, the University. Instead, he argues that dismissal was improper because an Assistant Attorney General was aware of his attempted service and entered an appearance on behalf of the University. That is not enough. Mere notice of a lawsuit does not substitute for proper service. *See Guen v. Guen*, 38 Md. App. 578, 585 (1978). What’s more, a defendant’s appearance to contest service does not waive service. *See id.* at 586. The circuit court, therefore, did not abuse its discretion by dismissing the complaint against the University.

As for Breaux, we review the granting of a motion to dismiss to determine whether the circuit court’s decision was legally correct. *See Tavakoli-Nouri v. State*, 139 Md. App. 716, 725 (2001). In doing so, “we view the well-pleaded facts of the complaint in the light most favorable to the appellant[.]” *Id.* (cleaned up). To survive dismissal, the complaint must plead the material facts “with sufficient specificity. Bald assertions and conclusory statements by the pleader will not suffice.” *Adamson v. Corr. Med. Servs., Inc.*, 359 Md. 238, 246 (2000) (cleaned up). Thus, we will affirm a dismissal “if the complaint does not

disclose, on its face, a legally sufficient cause of action.” *Rossaki v. NUS Corp.*, 116 Md. App. 11, 18 (1997) (cleaned up).

The complaint here does not state a single factual allegation concerning Breaux. Indeed, it does not even mention her anywhere other than the caption. Consequently, it “does not disclose, on its face, a legally sufficient cause of action.” *Id.* (cleaned up). The court, therefore, did not err in dismissing the complaint against Breaux.

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