

Circuit Court for Montgomery County  
Case No. 484817V

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1620

September Term, 2021

---

MASSOUD HEIDARY

v.

CITY OF GAITHERSBURG, *et al.*

---

Kehoe,  
Beachley,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: August 26, 2022

\*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.

In February 2021, Massoud Heidary, appellant, filed a complaint in the Circuit Court for Montgomery County against Montgomery County, Maryland (the County) and the City of Gaithersburg (Gaithersburg), appellees. That complaint raised three counts: Count I - Denial of Due Process as to the County, Count II - Denial of Due Process as to Gaithersburg, Count III - Unconstitutional Taking Without Compensation as to Gaithersburg. Notably, Mr. Heidary had filed separate complaints against appellees in 2016, raising mostly similar issues. Those complaints were dismissed by the circuit court in 2016 and 2017 respectively, and we affirmed those dismissals on appeal. *See Heidary v. City of Gaithersburg*, No. 649, Sept. Term 2017 (filed June 11, 2018); *Heidary v. Paradise Point, LLC, et al.*, No. 2000, Sept. Term 2016 (filed March 15, 2018).

Both the County and Gaithersburg filed motions to dismiss the complaint. Following a hearing in July 2021 the circuit court entered an order granting Montgomery County's motion to dismiss on the grounds that appellant's claim against it was barred by the doctrine of res judicata, failed to state a claim upon which relief could be granted, failed to allege a sufficient amount in controversy to invoke the circuit court's jurisdiction, and was barred by the statute of limitations. The court then granted Gaithersburg's motion to dismiss on December 9, 2021, finding that appellant's claims against it were barred by the statute of limitations. On appeal, appellant claims that the court erred in granting appellees' motions to dismiss. For the reasons that follow, we shall affirm.

Mr. Heidary specifically asserts that he was denied due process when the circuit court dismissed his 2016 complaints against appellees on procedural grounds without addressing the merits. Because of this alleged due process violation, he contends that the

claims raised in the 2021 complaint were not barred by the doctrine of res judicata. Mr. Heidary does not address, however, the alternative grounds that the court relied on to dismiss his complaint, including that his claims against both appellees were barred by the statute of limitations.

In *Bailiff v. Woolman*, 169 Md. App. 646 (2006), this Court held that when the appellant failed to challenge one of the two grounds for the circuit court’s decision in his brief, he waived any claim of error with respect to that issue. *Id.* at 653. We further held that, having waived the issue, affirmance was required if the unraised ground “provided an adequate and independent basis for the circuit court’s decision[.]” *Id.* at 654. Here, Mr. Heidary’s brief does not specifically address the court’s findings regarding the statute of limitations. And because a complaint may be dismissed if the claims raised therein are barred by the statute of limitations, the court’s reliance on that ground served as an adequate and independent basis for its ruling. Consequently, we may affirm the judgment of the circuit court for that reason alone.

But even if Mr. Heidary had addressed the statute of limitations issue, we would still affirm. Pursuant to § 5-101 of the Courts and Judicial Proceedings Article the causes of action raised by Mr. Heidary were required to be “filed within three years from the date [they] accrue[d.]” In Maryland, the general rule is that the running of limitations against a cause of action begins upon the occurrence of the alleged wrong, unless there is a legislative or judicial exception which applies.” *Poole v. Coakley & Williams Const., Inc.*, 423 Md. 91, 131 (2011). Here, all the alleged wrongs committed by appellees occurred between 2014 and 2016, more than four years prior to the filing of Mr. Heidary’s 2021 complaint.

And Mr. Heidary did not allege in the complaint that appellees or anyone else prevented him from discovering the facts underlying those claims in a timely manner. Consequently, Mr. Heidary's complaint was barred by the statute of limitations and the court did not err in granting appellees' motions to dismiss.

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