

Circuit Court for Charles County
Case No.: C-08-CV-23-000789

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1631

September Term, 2024

BRENDON CAMPBELL

v.

GUIDRY INTERNATIONAL, LLC et al

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

JJ.

PER CURIAM

Filed: May 14, 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.

On October 11, 2023, Brendon Campbell, representing himself, filed a complaint in the Circuit Court for Charles County against Guidry International, LLC and Sharnell Guidry, “an Individual Known Owner of Guidry International, LLC, operating as QUEEN BNB, an Airbnb Acquisition Online Merchant Services.” He alleged that he had entered into a business agreement with the defendants and paid them \$2,450 and after defendants failed to perform, they refused to return his money. He alleged “intentional fraud” (Count 1); “misrepresentation of services and breach” (Count 2), and “mental distress and emotional anguish” (Count 3). As damages, he sought the return of the \$2,450 he had paid the defendants, \$28,000 in “Opportunity Cost losses,” and \$15,000 for “mental and emotional distress.”

The initial writs of summons directed to the defendants were issued on October 15, 2023. On December 26, 2023, Mr. Campbell filed a motion for default judgment, which the court denied shortly thereafter with the notation: “File does not reflect proof of service on Defendants.” On January 24, 2024, Mr. Campbell filed a request for a reissuance of the writs of summons and requested that they be served by the sheriff. He provided a Waldorf, Maryland (Charles County) address for defendant Guidry International, LLC and a Taneytown, Maryland (Carroll County) address for defendant Sharnell Guidry.

On February 8, 2024, the sheriff’s return was filed by a sheriff with the Charles County Sheriff’s Office stating that the sheriff was unable to serve defendant Guidry International, LLC because “address is not in jurisdiction” and noting that the Waldorf “address is a virtual office” and “her home address is 236 Colbert Street, Taneytown, MD 21787.”

On February 20th, the Sheriff’s Office for Carroll County filed a sheriff’s return stating that it was unable to serve defendant Sharnell Guidry because “address not in jurisdiction” and provided a Baltimore address. (There was no indication on the return as to whether the sheriff had visited the Taneytown address or how the Baltimore address was discovered.)

On March 5th, Mr. Campbell filed a request to reissue summons for Sharnell Guidry and provided the Baltimore address that had been noted on the sheriff’s return. On April 8th, a sheriff with the Baltimore Sheriff’s Office filed a return stating “unable to serve” Sharnell Guidry because “unable to make contact.” Three attempts were noted: March 22, 2024 at 12:49PM, March 25 (no time given), and March 30, 2024 at 10:07AM.

On May 28, 2024, Mr. Campbell, using a pre-printed form, filed a motion for alternative service and affidavit, in which he stated had “tried to serve the opposing party at 236 Colbert Street, Taneytown, MD 21787” but “[t]he defendant is evading service[.]” In support of the evasion of service statement, Mr. Campbell stated that defendant Sharnell Guidry had been served in an unrelated case at the Taneytown, Maryland address and he attached a screenshot of that case taken from the Maryland Judiciary Case Search website showing a June 26, 2023 docket entry indicating that service was effectuated.¹ He also

¹ We note that, in that case, an Affidavit of Return of Service, filed by a private process server on June 26, 2023 (nearly a year prior to Mr. Campbell’s filing of his motion for alternative service in this case) stated that the complaint had been served on Ms. Sharnell’s “roommate” at the Taneytown address. Although the screen shots Mr. Campbell attached from this case indicated that the case status was “open” and included the plaintiff’s attorney’s name and address, he did not indicate whether he had made any effort to contact

(continued)

claimed that he had “tried to serve the opposing party by certified mail at their last known address 03 times,” but he did not attach to his motion proof of any certified mailings. (Although he claimed to have attempted service three times “by certified mail at their last known address,” he did not indicate what address he used—the Taneytown or Baltimore or something else.)

Mr. Campbell gave no indication in his request for alternative service that he had engaged the services of a private process server. And he did not mark the on the pre-printed motion next to the statement “hired a private investigator or lawyer who was unable to locate the opposing party[.]” His motion indicted that he did “not know [the defendants] current address” and that he did not know where they are working. He left blank the next to the statement “I have no money to hire a private investigator or lawyer to find” the defendants. On June 4, 2024, the court denied the motion for alternative service, which was docketed on June 7, 2024.

The next entry on the circuit court’s docket is a notice of contemplated dismissal filed on August 15, 2024 advising that, pursuant to Rule 2-507, the matter “is subject to dismissal, without prejudice” because the named defendants had “not been served, or the court has not otherwise acquired jurisdiction over them, within 120 days from the issuance of the original process directed to them.” The notice further advised that, the “clerk shall enter on the docket ‘dismissed for lack of jurisdiction or prosecution without prejudice’ 30

the lawyer to secure any information about Sharnell Guidry’s current address or whereabouts.

days after service of this notice, unless before that time a written motion showing good cause to defer the entry of the order of dismissal is filed.” No motion requesting deferral of an order of dismissal was filed,² and after the 30 days elapsed the court dismissed the case.³ Mr. Campbell then noted this appeal.

On appeal, Mr. Campbell raises four questions for this Court’s review, which we quote:

1. Whether the Circuit Court erred in dismissing Appellant’s complaint under Maryland Rule 2-507 for failure to serve when the Appellant had exercised due diligence in attempting service and the Appellees were evading process?
2. Whether the Circuit Court abused its discretion in denying Appellant’s Motion for Alternative Service, contrary to the spirit of Rule 2-121(c), which authorizes substitute or alternative service when personal service is impracticable?

² In his appellate brief, Mr. Campbell claims that, “[i]n response” to the court’s August 15th notice of contemplated dismissal, he filed a motion for alternative service. The circuit court’s record, however, does not support that claim. Rather, the circuit court’s record indicates that the motion for alternative service was filed on May 28th and denied by the court on June 7th and that he did not file any papers in response to the notice of contemplated dismissal.

Mr. Campbell included in his record extract filed in this Court a “MOTION FOR DEFERRAL OF DISMISSAL FOR THE LACK OF JURISDICTION UNDER MD. RULE 2-507(E)” dated September 18, 2024 and unsigned. This document does not appear in the circuit court’s record and we shall not consider it.

³ The circuit court’s docket entry for September 19, 2024 states: “Dismissal – lack of jurisdiction.” Rule 2-507(f) provides that, “[i]f a motion [to defer entry of the order of dismissal] has not been filed under section (e) of this Rule, the clerk shall enter on the docket ‘Dismissed for lack of jurisdiction or prosecution without prejudice’ 30 days after service of the notice.” After Mr. Campbell noted his appeal, this Court remanded the case to the circuit court to enter a separate signed judgment. On April 23, 2025, the circuit court entered an order dismissing the case *nunc pro tunc* to September 15, 2024, thirty days after the Notice of Contemplated Dismissal was filed.

3. Whether the Circuit Court erred in dismissing Appellant’s Complaint without reaching the merits of his claims for fraud and breach of contract, which raised substantive issues requiring judicial determination?
4. Whether the Circuit Court’s dismissal violated Appellant’s Constitutional Rights to Due Process and Access to the Courts Under Articles 19 and 24 of the Maryland Declaration of Rights?

We answer “no” to questions 1 and 2. Because questions 3 and 4 are not properly before us, we need not address them.

DISCUSSION

Maryland Rule 2-507 provides that “[a]n action against any defendant who has not been served or over whom the court has not otherwise acquired jurisdiction is subject to dismissal as to that defendant at the expiration of 120 days from the issuance of the original process directed to that defendant.” The court issued the notice of contemplated dismissal for lack of jurisdiction on August 15, 2024 – 305 days after the issuance of the original process directed to the defendants and more than two months after the court denied Mr. Campbell’s motion for alternative service. Based on the circuit court’s docket entries, Mr. Campbell took no action in the case between the June 7th denial of the motion for alternative service and the court’s August 15th notice of contemplated dismissal. Nor did he move to defer the entry of the order of the dismissal or file any papers in the court after that notice was issued. Accordingly, we hold that the court did not err in dismissing the case as Rule 2-507(f) provides that, if a motion to defer entry of the order of dismissal has not been filed within 30 days after service of the notice of contemplated dismissal, “the clerk **shall** enter

on the docket ‘Dismissed for lack of jurisdiction or prosecution without prejudice[.]’” (Emphasis added.)

We also hold that the court did not abuse its discretion in denying Mr. Campbell’s motion for alternative service. The sheriffs’ returns indicate they were unable to serve the defendants because the address given was out of their jurisdiction, the address provided for the Guidry International, LLC was “a virtual office,” and “unable to make contact” at the Baltimore address provided for Sharnell Guidry.

Mr. Campbell’s motion for alternative service claimed that he had attempted to serve the defendants by certified mail, but he did not attach to that motion proof of doing so. His motion included the allegation that “[t]he defendant is evading service” but his only grounds in support of that was evidence that defendant Sharnell Guidry had been served in an unrelated case at the Taneytown, Maryland address the previous year. Based on the Carroll County Sheriff’s Office return of service in this case, it can be surmised that Sharnell Guidry was no longer living at the Taneytown address as the return stated that her “address not in jurisdiction” and provided a Baltimore address for this defendant.

Mr. Campbell gave no indication in his request for alternative service that he had engaged the services of a private process server. Nor was there any claim that he had undertaken any significant investigation to locate current addresses for the defendants or lacked the money to hire a private investigator or lawyer to find the defendants.

Rule 2-121(b) provides that, “[w]hen proof is made by affidavit that a defendant has acted to evade service, the court may order that service be made by filing a copy of the summons, complaint, and all other papers filed with it to the defendant at the defendant’s

last known residence and delivering a copy of each to a person of suitable age and discretion at the place of business of the defendant.” Based on the record before us, we cannot find an abuse of the court’s discretion in denying the motion for alternative service as there was insufficient proof before the court that the Sharnell Guidry was evading service. Moreover, we are not persuaded on this record that Mr. Campbell made good faith efforts to locate and serve the defendants.

Finally, we find unpersuasive Mr. Campbell’s assertions that the circuit court erred in dismissing his complaint without addressing the merits of his claims or somehow denied him access to the courts. As this Court stated in *Cornwell Law LLC v. Tung*, 221 Md. App. 481 (2015),

It is fundamental that before a court may impose upon a defendant a personal liability or obligation in favor the plaintiff or may extinguish a right of the defendant it must have first obtained jurisdiction over the person of the defendant. A court obtains *in personam* jurisdiction over a defendant when that defendant is notified of the proceedings by proper summons. The court has no jurisdiction over a defendant until such service is properly accomplished, or until service is waived by a voluntary appearance by the defendant, either personally or through a duly authorized attorney. A party’s failure to comply with the Maryland Rules governing service of process constitutes a jurisdictional defect that prevents a court from exercising personal jurisdiction over the defendant.

Id. at 498 (cleaned up).

Because Mr. Campbell failed to effect service on the defendants in this case, the circuit court had no jurisdiction over them and, therefore, no ability to render a judgment on the merits of this case.

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