

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1831

September Term, 2024

GHISLAINE PAUL

v.

MARYLAND OFFICE OF THE
MEDICAL EXAMINER

Wells, C.J.,
Friedman,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 6, 2025

*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 May 2024, Ghislaine Paul, appellant, filed a complaint for medical malpractice against the Maryland Office of the Medical Examiner, appellee, claiming that, in 2018, the physicians who had signed her daughter’s death certificate had been negligent when they determined that the cause of death was a suicide, rather than a homicide. As relief, she requested \$10,000 in damages and an order correcting the death certificate from suicide to homicide.

Appellee filed a motion to dismiss the complaint for insufficient service of process claiming that: (1) appellant had failed to serve the complaint on the Maryland State Treasurer (the Treasurer), as required by Section 12-108 of the State Government Article, and (2) even if service on the Treasurer were not required, her attempt to serve the Chief Medical Examiner did not comply with Maryland Rule 2-121 because she did not serve the complaint via certified mail with “restricted delivery.” Appellant did not file an opposition, and the court entered an order dismissing the complaint on August 20, 2024. Appellant filed a timely motion for reconsideration, which did not address the reasons for the court’s dismissal of her complaint. After the court denied that motion, appellant filed this appeal, raising two issues that reduce to one: whether the court erred in dismissing her complaint for insufficiency of service of process. For the reasons that follow, we shall affirm.

The doctrine of sovereign immunity “bars individuals from bringing actions against the State, thus protecting it from interference with governmental functions and preserving its control over its agencies and funds.” *Rodriguez v. Cooper*, 458 Md. 425, 430 (2018) (quotation marks omitted) (quoting *Condon v. State*, 332 Md. 481, 492 (1993)). Thus, the State and its personnel “may not be sued for a money judgment unless the Legislature has

waived that immunity and enabled State agencies to obtain the funds necessary to satisfy such a judgment.” *Id.* In the Maryland Tort Claims Act (MTCA), the Legislature “has waived sovereign immunity to a certain degree” to provide a remedy for “a party injured by the negligent act or omission of a State officer or employee within the scope of the officer’s or employee’s public duties[.]” *Id.* at 451. The MTCA provides relief against the State as a substitute for the State personnel in such an action. *Id.* at 451-52. Section 12-108 of the State Government Article requires that complaints which raise causes of action subject to the Maryland Tort Claims Act must be served on the Treasurer.

Here, appellant’s complaint was subject to the MTCA as it raised a claim of negligence against an employee of the State, and sought, in part, a money judgment as relief. As such, the complaint was required to be served on the Treasurer, not on the Chief Medical Examiner.

Appellant does not raise any specific arguments in her brief as to why service on the Treasurer was not required. Rather, she appears to contend that dismissal of her complaint was improper because it violated Section 5-309(d)(2) of the Health-General Article, which allows a person of interest to request the medical examiner to correct findings and conclusions on the cause and manner of death recorded on a death certificate within 180 days after the medical examiner files those findings and conclusions.¹ That statute has no bearing on appellant’s case, however, as (1) appellant filed a civil action for medical malpractice, and (2) to the extent that the complaint also requested that the medical

¹ It also allows for a contested case hearing at the Office of Administrative Hearings in the event that the medical examiner denies the request.

examiner's findings be corrected, that request was made well more than 180 days after those findings and conclusions were filed.

Appellant ultimately bears the burden of demonstrating that the court committed reversible error in dismissing her complaint for insufficiency of service. Because she has not done so, we shall affirm.

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