

Circuit Court for Howard County
Case No. C-13-CV-21-000064

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1982

September Term, 2021

MIRIAM GLADDEN

v.

RAYNA WOODFORD, *et al.*

Shaw,
Albright,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: January 24, 2023

*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Miriam Gladden, Appellant, filed suit against Rayna Woodford and William Woodford, Appellees, in the Circuit Court for Howard County. Among other things, Ms. Gladden alleged that the Woodfords exercised undue influence over Grace Dixon, causing Ms. Dixon to convey real property to deprive Ms. Gladden of an expected interest in that property, and to amend her will to effectively deprive Ms. Gladden of an expected inheritance.¹ Ms. Gladden also filed an amended complaint, restating her claim for undue influence and adding 19 other claims, all of which related to the disposition of Ms. Dixon’s property, Ms. Dixon’s will, or Ms. Woodford’s exercise of responsibilities as to Ms. Dixon or Ms. Dixon’s estate. The Woodfords moved to dismiss the amended complaint, or in the alternative for summary judgment. Ms. Gladden opposed that motion, but did not file an affirmative motion for summary judgment.

After a hearing, the circuit court appeared to grant the pending motion for summary judgment, but it entered a summary order granting “Plaintiff’s Motion for Summary Judgment[.]” The Woodfords then electronically filed a line. In it, they requested that the circuit court’s order be corrected to grant the Woodfords’ motion for summary judgment and noted that Ms. Gladden had not filed her own motion for summary judgment. Ms. Gladden, who was proceeding *pro se*, was not served with a copy of the line.

¹ The parties and Grace Dixon are related. Miriam Gladden is Rayna Woodford’s niece, and William Woodford is Rayna Woodford’s son. Ms. Dixon was the grandmother of Ms. Gladden and Mr. Woodford, and the mother of Ms. Woodford.

In response to the Woodfords' line, the circuit court entered an amended order granting the Woodford's motion for summary judgment. Ms. Gladden then noted a timely appeal from the amended order, asking us to consider 11 questions, which we consolidate into two:

1. Did the circuit court err in granting summary judgment in favor of the Woodfords?
2. Did the circuit court err in amending its order to grant summary judgment in favor of the Woodfords?²

² In full, Ms. Gladden's questions were as follows:

1. Did the lower court abuse its discretion [sic] when it granted summary judgment to Appellant/Plaintiff and then reversed such judgment more than 4 months later after Appellees/Defendants had waived their statutory right to corrected motion and appeal?
2. Did the lower court abuse its discretion [sic] when it engaged in ex parte communication with Appellees/Defendants before reversing the Order granting summary judgment to Appellant/Plaintiff?
3. Did the lower court abuse its discretion [sic] when it reversed its Order granting Plaintiff Summary Judgment without providing notice to Appellant/Plaintiff?
4. The lower court abuse its discretion [sic] when it reversed its Order granting Appellant/Plaintiff Summary Judgment and issued an Amended Order granting Appellees/Defendants Summary Judgment without due consideration of Plaintiffs correspondence sent to the Court?
5. Did the lower court abuse its discretion [sic] when it reversed its Order granting Appellant/Plaintiff Summary Judgment and issued an Amended Order granting Appellees/Defendants Summary Judgment on the basis of Defendant's letter docketed January 18, 2022 where Defendant did not serve the document onto Plaintiff?

For the reasons below, we conclude that the circuit court did not err in granting summary judgment in favor of the Woodfords. Although the circuit court erred in accepting for filing the Woodfords' line without an accompanying certificate of service (or in failing to issue a notice of deficiency as to that line), and in failing to give Ms. Gladden sufficient time to respond before amending its order, those errors were harmless here. As such, we further conclude that the circuit court did not err in amending its order. We will affirm the judgment of the circuit court.

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6. Did the lower court abuse its discretion [sic] when it committed judicial error in making a substantive change in the Amended Order, essentially who won the case?
 7. Did the lower court abuse its discretion [sic] when it proceeded with Defendants/Appellees motion to dismiss or for summary judgment when the motion for summary judgment was defective on its face for not having any supporting affidavits?
 8. Did the lower court abuse its discretion [sic] when it issued an Amended Order granting Summary Judgment to Appellees/Defendants when Appellees were less than truthful with the court as to Appellant/Plaintiff's standing with the court?
 9. Did the lower court abuse its discretion [sic] when it rendered an Amended Order without the court articulating its reasoning in reversing Appellant/Plaintiff's grant of summary judgment?
 10. Did the lower court abuse its discretion [sic] when it reversed its initial Order and issued an Amended Order granting summary judgment to Appellees/Defendants when Appellant/Plaintiff raised at least 30 issues of material fact in dispute?
 11. Did the lower court abuse its discretion [sic] when it reversed its Order granting Summary Judgment to Appellant/Plaintiff and granting Summary Judgment to Appellees/Defendants treating the case in a manner that was arbitrary and capricious?

BACKGROUND

I. Ms. Dixon's Wills and Conveyances of Real Property

Except where otherwise noted, we summarize the following background information from Ms. Gladden's complaints and the exhibits thereto.

In 1994, Ms. Dixon executed a will leaving real property in Columbia, Maryland (the "Columbia Property") equally to her children, including Ms. Gladden's mother and Ms. Woodford, as tenants in common.³ The 1994 will named Ms. Gladden's mother as personal representative and listed specific items of personal property to be left to various beneficiaries. If Ms. Gladden's mother predeceased Ms. Dixon (or was otherwise unable or unwilling to serve as personal representative), the 1994 will named Ms. Woodford as the backup personal representative.

In 1999, Ms. Dixon deeded the Columbia Property to her children in equal shares, but reserved for herself a life estate in the property, as well as the power to divest her children of their interests by conveying the property and retaining any proceeds.⁴ Shortly after Ms. Gladden's mother died in April 2011, however, Ms. Dixon exercised her power to divest her children's interests by conveying the Columbia Property solely to Ms.

³Ms. Dixon also had a third child who was named in the 1994 will. That child was not a party to the circuit court proceedings.

⁴ More specifically, Ms. Dixon deeded the Columbia Property in fee simple to her three children as tenants in common (in equal shares), and retained for herself a life estate in the property and the power to divest her children's interests by selling, conveying, or otherwise disposing of the property and retaining any proceeds. Ms. Dixon expressly did not, however, reserve the power to divest her children of their interests by devising the property.

Woodford. In so doing, Ms. Dixon again retained a life estate and the same powers to divest Ms. Woodford of her future interest.

Several weeks later, in July 2011, Ms. Dixon executed another will that left much of Ms. Dixon’s estate to Ms. Woodford. The 2011 will did not include any specific bequests or devises to Ms. Gladden. It did, however, leave the remainder of Ms. Dixon’s “personal and household objects[,]” that were not otherwise specifically bequeathed, to Ms. Dixon’s grandchildren (including Ms. Gladden).⁵ No particular grandchildren were named in the will, and Ms. Woodford was given complete discretion to determine how Ms. Dixon’s remaining possessions would be distributed among the grandchildren.

Years later, in 2018, Ms. Woodford acted on Ms. Dixon’s behalf to convey the Columbia Property yet again, this time to Mr. Woodford for \$275,000.⁶ As a result, Ms. Woodford was divested of her interest in the Columbia Property, in favor of Mr. Woodford. Ms. Dixon died one year later, in December 2019.

II. Circuit Court Proceedings

Two years after Ms. Dixon’s death, Ms. Gladden filed suit against the Woodfords, alleging that she had not received items bequeathed to her pursuant to Ms. Dixon’s 1994

⁵ The will also included specific bequests to Ms. Dixon’s third child.

⁶ Ms. Woodford did so as Ms. Dixon’s attorney-in-fact, pursuant to a durable power of attorney that had existed since 2015. According to Ms. Woodford, the proceeds from that conveyance were used to offset the costs of an assisted living facility for Ms. Dixon.

will, and that Ms. Woodford had influenced and deceived Ms. Dixon to obtain a greater share of Ms. Dixon’s estate and the Columbia Property.⁷

The Woodfords moved to dismiss, asserting that Ms. Gladden’s bare allegations were insufficient to allow her claims to proceed, and particularly, that there were no specific factual allegations to support that the Woodfords acted to deprive Ms. Gladden of a legitimate inheritance. The Woodfords also asserted that Ms. Dixon had reserved the right to convey the Columbia Property as she saw fit during her life, and that she simply exercised that power in conveying the Columbia Property to Ms. Woodford (and later to Mr. Woodford, through Ms. Woodford as Ms. Dixon’s attorney-in-fact). The Woodfords also pointed out that Ms. Dixon’s estate had been opened in Howard County, that Ms. Woodford had been appointed as personal representative, and that Ms. Dixon’s 2011 will had been filed with the Office of the Register of Wills for Howard County. Because the 2011 will superseded the 1994 will and did not specifically bequeath or devise any property to Ms. Gladden, the Woodfords argued that any potential cause of action that Ms. Gladden might have had under the 1994 will no longer existed.

At a hearing in May 2021, the circuit court determined that Ms. Gladden had alleged “insufficient” facts in her original complaint to support her claims of undue

⁷ In her original complaint, Ms. Gladden included two counts: (1) undue influence by Ms. Woodford in causing Ms. Dixon to amend her will and deed the Columbia Property to Ms. Woodford; and (2) “self-dealing” in Ms. Woodford’s acquisition of Ms. Dixon’s property generally, including the Columbia Property.

influence. The circuit court thus granted the Woodfords' motion to dismiss, but it permitted Ms. Gladden time to amend her complaint.⁸

Two months later, Ms. Gladden filed an amended 20-count complaint, again alleging that Ms. Woodford unduly influenced Ms. Dixon. In that amended complaint, Ms. Gladden also added several related counts, including breach of fiduciary duties, conversion, fraudulent transfer, constructive fraud, tortious interference with expectancy of inheritance, unjust enrichment, and accounting.

The Woodfords again moved to dismiss and in the alternative for summary judgment. They argued that, despite penning a “kitchen sink” of causes of action in her amended complaint, Ms. Gladden had relied upon essentially the same unspecific, “conjectural, and bald allegations” as she had in her original complaint. Because the amended complaint added no factual allegations to support Ms. Gladden's claims, the Woodfords contended that the amended complaint was based simply upon Ms. Gladden's disappointment that Ms. Dixon had changed her will and deeded the Columbia Property (without Ms. Gladden's knowledge) to Ms. Woodford, and then later to Mr. Woodford.⁹

⁸ The circuit court also held that there was no valid cause of action in Maryland for “self-dealing” during the administration of a decedent's estate. Thus, the circuit court dismissed that claim with prejudice. Ms. Gladden does not challenge that dismissal on appeal, and we do not address it.

⁹ The Woodfords also argued that the counts in Ms. Gladden's amended complaint failed because they were brought after the applicable three-year statute of limitations had run. On appeal, the parties do not mention the statute of limitations argument, and we do not address it.

The circuit court held another hearing to assess the Woodfords’ motion as to Ms. Gladden’s amended complaint. At that hearing, the Woodfords requested that their motion be treated as a motion for the summary judgment, and the circuit court indicated that it would do so. Ms. Gladden then restated the factual allegations in her amended complaint, summarizing her argument by stating that, “I had a very loving and close relationship with my grandmother, my whole life and I was always included. . . along with my mother and brother, we are standing here now with not a single thing,” which, to her, was an inexplicable departure from Ms. Dixon’s 1994 will and 1999 deed of the Columbia Property. The issue of Ms. Woodford’s undue influence, Ms. Gladden concluded, was “going to require discovery[,]” particularly because Ms. Dixon allegedly “had health issues” that, Ms. Gladden suggested, might have impacted Ms. Dixon’s decision-making.

At the conclusion of the hearing, the circuit court took the matter under advisement. And a few days later, it issued a one-page order granting summary judgment, without further explanation of its reasons. That order stated that the circuit court had considered and granted “Plaintiff’s” motion for summary judgment, thus seemingly referring to a motion for summary judgment that Ms. Gladden had not filed.

About four months after that original order was entered, the Woodfords electronically filed a “line” with the circuit court, requesting that the circuit court correct its original order to indicate that the Woodfords (as the only parties who had filed a summary judgment motion) had been granted summary judgment—not Ms. Gladden.

This line did not contain a certificate indicating it had been served upon Ms. Gladden, who was proceeding *pro se*.¹⁰ The circuit court then issued an amended order clarifying that the Woodfords' motion to dismiss or for summary judgment was granted.¹¹

Shortly after the circuit court's amended order was filed, Ms. Gladden mailed two letters to the circuit court (which were then filed on the docket), explaining that she had not been served with the Woodfords' line and alleging that the line constituted an improper and *ex parte* communication between the court and the defendants in an “effort[] to overturn the [circuit court's] ruling made over 4 and a half months ago.” Through that correspondence, Ms. Gladden also reiterated her prior arguments against summary judgment, and raised several additional issues and allegations, including that the Woodfords had threatened her with litigation, had attempted to “overturn the [circuit court's] legitimate award” in Ms. Gladden's favor, and had waived their right to contest the circuit court's original order by seeking correction over four months after the original

¹⁰ In Maryland, *pro se* litigants are not required to use the Maryland Electronic Courts (“MDEC”) online filing system unless they are registered users of the system and their case has been added to the system. *See* Md. Rule 20-106(a)(3). In contrast, attorneys who have entered appearances in MDEC cases must use the MDEC system as to those cases. *See* Md. Rule 20-106(a)(1). Ms. Gladden's lawsuit is included on MDEC, but it appears from the record that Ms. Gladden was not a registered MDEC user. As such, she was not required to use the MDEC system, and Ms. Gladden would not necessarily have been aware of any documents that were filed electronically on MDEC, unless those documents were separately served upon her.

¹¹ The circuit court did so by signing the proposed amended order attached to the Woodfords' line, and then by entering that order as a separate item on the docket. In granting summary judgment in favor of the Woodfords, the circuit court also stated that Ms. Gladden's lawsuit was “hereby dismissed with prejudice.”

order was issued. The circuit court noted that Ms. Gladden’s letters were received, but further indicated that it would take no action in response. Ms. Gladden then filed this timely appeal. We will supply additional facts as needed in our discussion.

STANDARD OF REVIEW

Summary judgment is available when “there is no genuine dispute as to any material fact and [a] party is entitled to judgment as a matter of law.” Md. Rule 2-501(f). We review a grant of summary judgment *de novo*. *Webb v. Giant of Maryland, LLC*, 477 Md. 121, 348 (2021). In so doing, we must “evaluate the record in the light most favorable to the non-moving party and construe any reasonable inferences that may be drawn from the well-plead facts against the moving party.” *Schneider Elec. Bldgs. Critical Sys. v. W. Sur. Co.*, 454 Md. 698, 705 (2017) (quotations omitted).¹²

Separately, “[a]n order granting a motion to alter or amend judgment is ordinarily reviewed under the abuse of discretion standard.” *Prince George’s Cnty. v. Hartley*, 150 Md. App. 581, 586 (2003). When a court does not state its reasons for amending a judgment, however, our review is *de novo*. *Cf. Briscoe v. Mayor and City Council of Baltimore*, 100 Md. App. 124, 128 (1994) (“The court did not state its reasons

¹² In the Woodfords’ brief on appeal, they include only the standard of review for granting a motion to dismiss. At the hearing before the circuit court on their motion, however, the Woodfords explained that they were seeking summary judgment, not dismissal. The circuit court also appears to have looked to record material outside of Ms. Gladden’s complaint in reaching its decision. As such, we interpret the circuit court’s amended order as granting summary judgment in favor of the Woodfords, and we will apply the standards of review for summary judgment.

[t]hus, we should affirm the judgment if our review of the record discloses that the court was legally correct.”).

DISCUSSION

I. The Circuit Court Did Not Err In Granting Summary Judgment In Favor Of The Woodfords.

Ms. Gladden argues the circuit court erred in granting summary judgment in favor of the Woodfords.¹³ She asserts that discovery was needed as to her claims, and that the Woodfords’ motion for summary judgment was defective because it was not supported by an affidavit. Ms. Gladden also contends that the grant of summary judgment was error because she pointed to sufficient facts in the record to generate a genuine dispute of material fact. In response, the Woodfords assert that their motion for summary judgment was supported by facts in the record so no affidavit was required, and that Ms. Gladden failed to point to any material facts that were in genuine dispute. Specifically, the Woodfords contend that the record shows that, in 2011, Ms. Dixon made a new will and exercised her reserved rights as to the Columbia Property, deeding that property as she saw fit. The Woodfords also emphasize that Ms. Gladden was unable to point to anything

¹³ Ms. Gladden, who proceeds *pro se* on appeal, largely focuses her argument on the circuit court’s purported error in amending its original order. We perceive, however, that Ms. Gladden’s argument is broader: it encompasses not just the circuit court’s decision to amend its original order, but also the circuit court’s underlying decision to grant summary judgment in favor of the Woodfords. We also note that Ms. Gladden may have declined to appeal the circuit court’s original order because she believed (in reliance upon the original order’s language) that she had prevailed. Accordingly, we will construe Ms. Gladden’s appeal broadly and address the circuit court’s grant of summary judgment as well. *Cf. Mitchell v. Yacko*, 232 Md. App. 624, 643 n.12 (2017) (“[W]e generally liberally construe pleadings filed by *pro se* litigants[.]”) (cleaned up).

in the record to suggest that the Woodfords unduly influenced Ms. Dixon or committed any violation of their legal duties that would give rise to a cause of action by Ms. Gladden.

Ms. Gladden’s first argument concerns her need for future discovery. Generally, in opposing a motion for summary judgment, the non-moving party must “identify with particularity each material fact as to which . . . there is a genuine dispute” *and* point to “the relevant portion of the specific document, discovery response, transcript of testimony (by page and line), or other statement under oath that demonstrates the dispute.” Md. Rule 2-501(b). Alternatively, the non-moving party must file an affidavit explaining why “the facts essential to justify the opposition cannot be set forth,” in which case the court “may deny the motion or order a continuance to permit affidavits to be obtained or discovery to be conducted[.]”¹⁴ Md. Rule 2-501(d); *see also Clark v. O’Malley*, 169 Md. App. 408, 420-21 (2006) (affirming grant of summary judgment before the end of discovery where non-moving party failed to identify genuine disputes of material fact or file a Rule 2-501(d) affidavit).

In responding to the Woodfords’ motion for summary judgment, Ms. Gladden did not support her assertion that there was a genuine dispute of material fact with any citations to valid material under Rule 2-501(b). She also did not file a Rule 2-501(d) affidavit explaining why she could not set forth the essential facts. Instead, at the hearing,

¹⁴ The court may also “enter any other order that justice requires.” Md. Rule 2-501(d).

Ms. Gladden responded simply that her need for future discovery on her claims should preclude a grant of summary judgment in favor of the Woodfords.

That, however, is insufficient. If Ms. Gladden had wished to obtain that discovery, she could have sought it—and she had several months in which to do so. Specifically, Ms. Gladden filed her original complaint in January 2021 and amended it in July 2021, relying upon essentially the same alleged facts. The circuit court’s hearing on the Woodfords’ motion did not occur until September 2021. As such, Ms. Gladden had ample time to serve discovery material in an attempt to develop the facts necessary to oppose summary judgment, or at least to create a record supporting a Rule 2-501(d) affidavit.

For example, Ms. Gladden could have served interrogatories on the Woodfords, requests to produce documents, and requests for admissions. *See* Md. Rules 2-421, 2-422, 2-424; *see also* Md. Rule 2-401 (“[M]ethods of discovery may be used in any sequence[.]”). Had she done so, the Woodfords’ responses would have been due “within 30 days after service of the request or within 15 days after the date on which that party’s initial pleading or motion is required, whichever is later.” *See* Md. Rules 2-421(b), 2-422(c), 2-424(b).¹⁵ Ms. Gladden also could have noticed the Woodfords’ depositions, or

¹⁵ There appears to be some ambiguity in Rules 2-421(b), 2-422(c), and 2-424(b) as to the precise deadline for responding to discovery requests. To explain, we first summarize the relevant dates, then we note two possible interpretations of the relevant rules. Under either interpretation, however, Ms. Gladden was not precluded from at least seeking

discovery here. As such, her decision not to do so defeats her argument that summary judgment was inappropriate because she needed time to conduct discovery.

Ms. Gladden filed her original complaint on January 26, 2021, with service of process on February 16, 2021. The Woodfords then moved to dismiss on March 12, 2021. A hearing on that motion was held on May 10, 2021, and the circuit court entered an order that same day dismissing both of Ms. Gladden’s claims and granting her leave to amend (except as to her purported “self-dealing” claim). Ms. Gladden then filed her amended complaint on July 8, 2021, and the Woodfords filed another motion to dismiss (or for summary judgment) on July 23, 2021. The circuit court heard that motion on September 17, 2021.

Bearing those dates in mind, one interpretation of the relevant discovery rules is that responses to interrogatories, requests for production, and requests for admissions are due on the later of 30 days after service, *or* 15 days after “the date on which . . . [the] initial pleading or motion is required[.]” Here, the Woodfords were required to file an initial pleading or an initial motion by March 18, 2021. *See* Md. Rule 2-321(a). Thus, the Woodfords’ responses to discovery requests would be due on the later of 30 days after Ms. Gladden served the requests, or on or about April 2, 2021. This means that Ms. Gladden could have served discovery requests such that the Woodfords’ responses would have been due well before the September 2021 hearing.

A second interpretation, however, would suggest that the Woodfords need not have responded to discovery requests before that hearing. Under this interpretation, because the filing of a motion to dismiss automatically extends the deadline for answering the complaint, *see* Md. Rule 2-321(c), it likewise extends the time for answering discovery requests under Rules 2-421, 2-422, and 2-424. Or, put in the language of the relevant discovery rules, responses are due on the later of the following: 30 days after service, 15 days after the “initial . . . motion is required[.]” *or* 15 days after the “initial pleading . . . is required[.]” The deadline for the Woodfords’ initial pleading was automatically extended here by each of the Woodfords’ motions to dismiss. *See* Rule 2-321(c). And in the period between May 10, 2021 and July 8, 2021—after the circuit court dismissed both counts of Ms. Gladden’s original complaint, and before she filed her amended complaint—no answer could have been due because there was nothing to answer. As such, the Woodfords would not have been required to respond to discovery requests before the September 2021 hearing, regardless of when those requests were served.

Here, however, we need not opine on the preferable interpretation of the relevant discovery deadlines. In the eight months between the filing of Ms. Gladden’s initial complaint and the circuit court’s September 2021 hearing, Ms. Gladden did not attempt to seek any discovery from any source. Thus, neither interpretation aids her argument.

noticed (and subpoenaed attendance at) the depositions of non-parties. *See* Md. Rule 2-411 (conferring the right to take depositions without leave of court after “the earliest day on which any defendant’s initial pleading or motion is required[,]” with some caveats not applicable here); Md. Rule 2-510 (use of subpoenas). Even if depositions could not have been scheduled before the circuit court’s hearing, and even if Ms. Gladden had not yet received discovery responses, Ms. Gladden still would have been able to point to the pending depositions and responses in a Rule 2-501(d) affidavit, and request a denial of summary judgment so that the facts could be developed.

Nevertheless, there is no indication in the record that Ms. Gladden ever served any discovery material, including noticing or subpoenaing any depositions. *See* Md. Rule 2-401(d)(2) (a party serving discovery material “promptly shall file with the court a notice” that states the “the type of discovery material served,” “the date and manner of service,” and “the party or person served”). Indeed, at the hearing itself in September 2021, Ms. Gladden appeared to concede the point by referring only to prospective discovery in the future, rather than any discovery material that she had already served. In sum, Ms. Gladden did not identify the material facts supporting her opposition to summary judgment, she did not explain why she could not yet set forth such facts, and she did not even attempt to conduct any discovery. The circuit court was correct to reject Ms. Gladden’s alleged need for future discovery as a basis for denying summary judgment. *See* Md. Rule 2-501; *cf. Poole and Kent Co. v. Equilease Assocs. I*, 71 Md. App. 9, 19

(1987) (party was not entitled to a delay in ruling on certain motions when it “failed to avail itself of the discovery procedures”).

Ms. Gladden next argues that the circuit court erred in granting summary judgment because the Woodfords’ motion was not supported by any affidavit. Generally, a motion for summary judgment must be supported by affidavit if it is “based on facts not contained in the record.”¹⁶ Md. Rules 2-501(a). The Woodfords did not attach an affidavit to their motion, but they were not required to do so because they did not rely on any facts not already contained in the record. Instead, they relied upon the allegations in Ms. Gladden’s complaints and the documents attached by *Ms. Gladden* to her complaints, including the 2011 deed showing that Ms. Dixon had conveyed the Columbia Property so as to divest any interest held by Ms. Gladden’s mother (and thus by Ms. Gladden herself as a beneficiary of her mother’s estate). That is, the Woodfords relied only upon the existing record, including items placed into the record by Ms. Gladden.¹⁷

In sum, the undisputed facts in the record show that, in 2011, Ms. Dixon exercised her rights to convey the Columbia Property and executed a new will—thus divesting Ms.

¹⁶ An affidavit is also required if the motion for summary judgment is filed before the adverse party’s initial pleading or motion is filed. Md. Rule 2-501(a).

¹⁷ We further note that the 2011 deed would also be a proper subject of judicial notice because it is “not subject to reasonable dispute” and is “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” *See* Md. Rule 5-201. For the same reasons, so would Ms. Dixon’s 2011 will. That will had been filed with the Office of the Register of Wills for Howard County upon opening Ms. Dixon’s estate. Further, Ms. Gladden made no challenge to the authenticity of the 2011 deed or will.

Gladden of any expected future or inheritance interest. And Ms. Gladden does not challenge Ms. Dixon’s right to make that will and conveyance, nor does she challenge the authenticity of either. Of course, Ms. Gladden did allege that she enjoyed a good relationship with Ms. Dixon, and that there would be no reason for Ms. Dixon to fail to provide for Ms. Gladden in a will or otherwise, other than undue influence on the part of the Woodfords.¹⁸ But Ms. Gladden has not pointed to any facts in the record that might tend to support her theory, nor has she explained why she has failed to obtain any such facts through discovery. The circuit court did not err in granting summary judgment in favor of the Woodfords.

II. The Circuit Court Did Not Err In Amending Its Order To Grant Summary Judgment In Favor Of The Woodfords.

Ms. Gladden next contends that the circuit court erred in “revers[ing] its decision” by granting summary judgment in favor of the Woodfords. The Woodfords respond that the circuit court did not reverse any decision; it merely corrected a clerical mistake that erroneously indicated that summary judgment would be entered in favor of Ms. Gladden. The Woodfords further point out that Ms. Gladden did not file any motion for summary judgment that could have been granted. As such, they argue that the circuit court’s

¹⁸ Ms. Gladden also levied several other allegations, including, among other things, unseemly conduct and threatened litigation by the Woodfords, eye-rolling by Ms. Woodford, and Ms. Dixon’s 2011 changes to the disposition of her property (by will and conveyance) shortly after the death of Ms. Gladden’s mother. Except for the timing of Ms. Dixon’s will and conveyance, however, those allegations are not record facts. Further, it is not clear how Ms. Gladden’s allegations, even if all were contained in the record, would generate a genuine dispute of material fact here.

original order must have been the product of a clerical mistake and was properly subject to correction at any time.

In Maryland, “[c]lerical mistakes . . . may be corrected by the court at any time on its own initiative, or on motion of any party after such notice, if any, as the court orders.” Md. Rule 2-535(d). This rule contemplates the “correction of clerical mistakes, deficiencies in form, inadvertent omissions or obvious mistakes as distinguished from judicial errors.” *See Gress v. ACandS, Inc.*, 150 Md. App. 369, 379, *rev’d on other grounds sub nom. Brown & Williamson Tobacco Corp. v. Gress*, 378 Md. 667 (2003) (cleaned up). The rule also recognizes that “a court of equity has inherent power to correct errors in its records whereby they fail to express the truth in regard to its proceedings[,]” and allows for corrections that “are necessary to express the court’s intention and give proper effect to the remedy intended[.]” *Bailey v. Bailey*, 181 Md. 385, 389 (1943); *see also Prince George’s Cnty. v. Commonwealth Land Title Ins. Co.*, 47 Md. App. 380, 386 (1980) (explaining that a correctible clerical mistake involves the failure “to preserve of record, correctly in all respects, the actual decision of the court”) (cleaned up).

Here, the circuit court did not act *sua sponte* in correcting the apparent clerical mistake in its original order granting summary judgment, although it had the power to do so. Instead, the circuit court’s correction was prompted by the Woodfords’ line notifying the court of the mistake. The circuit court also signed the proposed amended order that the Woodfords submitted with their line. Because a request to correct a clerical mistake

under Rule 2-535 must be made by motion, we presume that the circuit court treated the Woodfords' line as a motion and then granted that motion. The Woodfords' line, however, did not contain a certificate of service, and there was no indication that it was served upon Ms. Gladden. Additionally, Ms. Gladden apparently did not receive the line before the amended order issued. *See* Md. Rule 1-321(a);¹⁹ *see also* Md. Rule 20-205(d)(2) (“The filer is responsible for serving, in the manner set forth in Rule 1-321, persons entitled to receive service of the submission who . . . are not registered users [of MDEC.]”).

Because there was no accompanying certificate of service, the circuit court erred either by accepting the Woodfords' line for filing, or by accepting the line without issuing a deficiency notice. *See* Md. Rule 1-323 (“The clerk shall not accept for filing any

¹⁹ Maryland Rule 1-321(a) sets forth the general requirements for service of papers that are filed after the initial pleading:

Except as otherwise provided in these rules or by order of court, every pleading and other paper filed after the original pleading shall be served upon each of the parties. If service is required or permitted to be made upon a party represented by an attorney, service shall be made upon the attorney unless service upon the party is ordered by the court. Service upon the attorney or upon a party shall be made by delivery of a copy or by mailing it to the address most recently stated in a pleading or paper filed by the attorney or party, or if not stated, to the last known address. Delivery of a copy within this Rule means: handing it to the attorney or to the party; or leaving it at the office of the person to be served with an individual in charge; or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, leaving it at the dwelling house or usual place of abode of that person with some individual of suitable age and discretion who is residing there. Service by mail is complete upon mailing

pleading or other paper requiring service, other than an original pleading, unless it is accompanied by an admission or waiver of service or a signed certificate showing the date and manner of making service.”);²⁰ Md. Rule 20-201(g) (certificate of service requirements for electronic filings); Md. Rule 20-203 (requiring, among other things, striking or issuing notices of deficiency as to certain noncompliant electronic filings); *Lovero v. Da Silva*, 200 Md. App. 433, 453 (2011) (holding that a court clerk was required to refuse a notice of appeal that lacked a certificate of service under Maryland Rule 1-323).

Moreover, under Maryland Rule 2-311(b), a party against whom a motion is directed has 15 days to file a response. By treating the Woodford’s line as a motion, and by signing the Woodfords’ proposed amended order two days after their line was filed, the circuit court effectively provided only two days (at most) in which Ms. Gladden could have responded. No motion to shorten time was filed, much less granted. This too was error.

²⁰ We note that Ms. Gladden’s letter correspondence, sent after the circuit court amended its order, did not implicate Maryland Rule 1-323 because it was not “filed” with the clerk. Instead, it appears to have been mailed directly to the judge’s chambers. Under such circumstances, the court, and not the clerk, may accept the paper for filing as provided by Maryland Rule 1-322(a):

The filing of pleadings, papers, and other items with the court shall be made by filing them with the clerk of the court, except that a judge of that court may accept the filing, in which event the judge shall note on the item the date the judge accepted it for filing and forthwith transmit the item to the office of the clerk. . . . [T]he clerk shall note on it that date it was received and enter on the docket that date and any date noted on the item by a judge.

Nevertheless, these errors are harmless here because the circuit court had the power to correct its clerical mistake at any time, upon its own motion. As we explained above, the circuit court’s original order granted “Plaintiff’s” motion for summary judgment. But the record here not only demonstrates that this language was erroneous, it shows that such a result would not even have been *possible* because Ms. Gladden had not filed any such motion. The circuit court was thus within its power to amend its order—and indeed, the circuit court’s amendment merely conformed its written order to the actual substance of its decision. Contrary to Ms. Gladden’s argument, the circuit court did not reverse any judgment.

Ms. Gladden was also not prejudiced by the failure to serve her with the Woodfords’ line or allow her time to respond. Simply put, once the circuit court realized (or was alerted to) the clerical mistake in its order, even a prompt response by Ms. Gladden could not have staved off a correction under Maryland Rule 2-535(d), regardless of whether that correction occurred upon the Woodfords’ motion or was made on the circuit court’s own initiative.²¹

²¹ And in so concluding, we need not speculate about the effect that Ms. Gladden’s response might have had. This is because Ms. Gladden’s response and the circuit court’s assessment of it are in the record. After the amended order was issued, Ms. Gladden sent multiple letters to the circuit court—totaling approximately ten pages with ten exhibits—detailing her arguments why the amended order should not have been entered. These letters and exhibits were received well within 30 days of the amended order. *See* Md. Rule 3-535(a) (permitting broader revisory power and control over a judgment, within 30 days after entry of the judgment, than provided for under Md. Rule 5-535(d)). Ms. Gladden did not request a hearing in either of her letters. Upon concluding its review, the circuit court declined to revise its judgment and concluded that no action should be taken.

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

And upon our own review, we have reached the same conclusion: we do not perceive any reason why the circuit court should not (or would not) have entered the amended order had it received Ms. Gladden's responses to the Woodfords' line at an earlier time.