UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0848

September Term, 2015

EARNEST MATHENY, et al.

v.

BALTIMORE CITY POLICE DEPARTMENT, et al.

Meredith,
Graeff,
Sharer, J. Frederick
(Retired, Specially Assigned),

JJ.

Opinion by Meredith, J.

Filed: May 11, 2016

Earnest Matheny, as father and next friend of Jeremy Matheny, appellant, filed suit in the Circuit Court for Baltimore City, and asserted personal injury claims against Police Officer Jeffrey Siddall and the Baltimore City Police Department ("BCPD"), appellees. Appellant's claims were dismissed due to his failure to comply with the 180-day notice requirement imposed by the Local Government Tort Claims Act ("LGTCA"), Maryland Code (1973, 2013 Repl. Vol.), Courts and Judicial Proceedings Article ("CJ"), § 5-304. For the reasons that follow, we affirm.

QUESTIONS PRESENTED

Appellant presents three questions for our review:

1. Did the Circuit Court err in ruling that Appellee did not have required notice of Appellants claim within 180 days after his injury pursuant to Courts and Judicial Proceedings § 5-304?

2. Did the Circuit Court err in finding that notice, pursuant to Courts and Judicial Proceedings § 5-304 applied to Appellee Police Officer Siddall individually?

3. Did the Circuit Court err in finding that Judge Geller did not have jurisdiction to rule on Appellants' Motion to Alter or Amend Judgment?

The record does not support the premise underlying Questions 2 and 3; the circuit court did not find that CJ § 5-304 required that notice be given to Officer Siddall individually, and, although Judge Geller declined to rule on a motion to alter or amend another judge's ruling, he did not hold that he had no "jurisdiction" to act. With respect to Question 1, the circuit court did not err in ruling that there was neither substantial compliance with the notice requirement nor good cause for failing to provide timely notice. We shall affirm the judgment of the circuit court.

FACTS AND PROCEDURAL HISTORY

The record in this case reveals the following. On October 21, 2014, appellant, as father and next friend of Jeremy Matheny, a minor, filed a complaint and demand for jury trial against the Baltimore City Police Department and "Police Officer Jeff Sidall."[1] The complaint alleged, in pertinent part:

> 9. On June 21, 2013 at approximately 7:24 p.m. at the rear alley between the 2100 block of Harman Avenue and the 2100 block of Grinnalds Avenue there was a call for an aggravated assault in progress. [Jeremy Matheny,] who was not a part of this alleged assault, was grabbed by the Defendant, thrown face forward to the ground, handcuffed, and then kicked in the back by the Defendant, causing [Jeremy Matheny] to suffer a broken right collar bone.
>
> 10. On February 7, 2014, [appellant] gave notice of his claim by delivering via certified mail, restricted delivery, a notice of claim to the City Solicitor, George A. Nilson, Esquire and/or his lawful representative.

The complaint asserted five counts: assault, battery, false arrest, and violations of Articles 24 and 26 of the Maryland Declaration of Rights. In each count, appellant prayed for a "[j]udgment against the Defendant for compensatory damages in the amount of six hundred thousand dollars ($600,000.00)" and punitive damages "in excess of ten million dollars ($10,000,000.00)."[2]

[1]Officer Siddall's name is spelled by appellant as "Sidall," but the police report authored by Officer Siddall indicates that his surname is spelled "Siddall."

[2]As Officer Siddall pointed out in his motion to dismiss, the assertion of these amounts contravened Maryland Rule 2-305(b), which provides that "a demand for a money judgment that exceeds $75,000 shall not specify the amount sought, but shall include a general statement that the amount sought exceeds $75,000." This Rule took effect on January 1, 2013.

On December 8, 2014, Officer Siddall filed a motion to dismiss, asserting that appellant's notice under the LGTCA was untimely because it was provided to the City Solicitor after the 180-day deadline. On December 18, 2014, appellant filed a response, in which he "conced[ed] that certified notice was sent February 7, 201[4] which is 51 days past the 180 day time element." Appellant argued, however, that the statute does not mandate dismissal for untimely notice if the claimant can show good cause. In support of his argument that there was good cause to excuse late notice in this case, appellant supplied a list of documents that began with his July 2, 2013 request, through counsel, for the police report in this case. The July 2, 2013, records request was on counsel's letterhead, and it provided as follows:

July 2, 2013

Baltimore City Police Department
242 W. 29th Street
Baltimore, MD 21211-2908
Attn: Community Correspondence Unit

Re: My Client: Jeremy Matheny
D/Incident: June 21, 2013
Report No.: 8F10352
Location: Grinnalds Avenue

Dear Sir/Madam:

Please be advised that this firm represents Jeremy Matheny regarding injuries sustained in an incident on or about the above captioned date.

Enclosed please find a police report request form. Also enclosed herewith please find a check in the amount of $10.00 payable to the Director of Finance representing the fee for a copy of the report taken on said date, along with a self-addressed stamped envelope for you to forward same to this office.

Should you have any questions, please do not hesitate to contact this office. Thank you for your cooperation in this matter.

Very truly yours,
[Appellant's counsel]

The rest of the documents appellant cited and attached in support of his position that "the Defendants have clearly not been prejudiced by 51 days" of delay past the LGTCA deadline for notice were communications that took place in October 2014, and later — in other words, even farther beyond the statutory notice deadline.[3]

On December 18, 2014, appellant filed an amended complaint correcting the violations of Rule 2-305, but making no other substantive changes. Also on December 18, 2014, appellant filed a "Motion to Waive 180 [sic] Notice," asserting that he had demonstrated good cause to excuse his untimely notice. On January 8, 2015, Officer Siddall filed a response, and on March 2, 2015, the court conducted a hearing. At the conclusion of the hearing, the court denied appellant's motion to waive, finding "there's no good cause showing as to why the filing was 51 days late and the [LGTCA] is clear and specific with

[3]The documents appellant provided were: an "October 10, 2014 request for report referred to Internal Affairs Investigative Unit, Report No.: 138F10532"; an "October 27, 2014 letter from Baltimore Police Department that Report No.:138F10532 does not exist"; "Report No.: 138F10532 (Obtained by client)"; "October 31, 2014 letter to Baltimore Police Department with copy of Report No.: 138F10532 (Report No.: 138F10532 obtained by client)"; "October 31, 2014 letter from Baltimore Police Department with exact copy of Report No.: 138F10532 changed and hand written report No.: 13F10352. Letter also refused to provide Internal Affairs Report as 'personnel records' but would provide photo's [sic] for a fee"; "November 7, 2014 letter from Baltimore Police Department again refusing to provide internal investigation records and apology for wrong numbers on reports"; and "November 17, 2014 letter from Defendant for payment for photo's [sic] and copy of check for photo's [sic] (still not received as of this date)."

regards to who should get notice and when." On March 10, 2015, Judge Lynn Stewart Mays issued an order denying appellant's motion to waive his noncompliance with the statute, and an order granting Officer Siddall's motion to dismiss, without leave to amend.

On March 12, 2015, appellant filed a motion to alter or amend. Appellant argued, in the memorandum in support of the motion to alter or amend, that the motions court "asked whether Officer Siddall was to be given notice, [and] this counsel mistakenly responded in the affirmative," and that the court thus "found" that LGTCA notice was required to be given to Officer Siddall, individually.[4]

[4]But the transcript of the March 2, 2015, hearing does not support a conclusion that the court had based its grant of the motion to dismiss upon appellant's failure to give notice to the police officer personally. The transcript includes this exchange:

> [BY THE COURT]: Okay. We're talking about specifically with regards to — I'm trying to get his actual name — Jeffrey Siddall or Jeff Siddall. Is that right?
>
> [BY APPELLANT'S COUNSEL]: Yes.
>
> Q. Jeff Siddall.
>
> A. That's the police officer.
>
> Q. Right. So we're talking about [notice] with regards to Officer Siddall, not with regards to the police department, right?
>
> A. No, Your Honor. It would be to the police department or any of their agents. I believe that there's a case that specifically has held that notice provided to the agents of the defendant.
>
> Q. Okay. But —
>
> A. And defendant —

(continued...)

Officer Siddall filed a response in opposition to the motion to alter or amend on April 10, 2015, pointing out that appellant had reversed the order of a "no prejudice" analysis under the LGTCA, because it first must be demonstrated that there was good cause for the late notice, and only after the claimant has carried the burden of proving good cause for the delay is the question of whether or not defendant has been prejudiced considered. *See, e.g.*, CJP § 5-304(d); *Hargrove v. Mayor and City Council of Baltimore*, 146 Md. App. 457, 468-69 (2002). Officer Siddall also pointed out that appellant's February 7, 2014, notice to the City Solicitor did not contain any new or different information about the claim than his

[4](...continued)

Q. — Jeff —

A. The defendant would be the Baltimore City Police Department and to Officer Siddall.

Q. Okay. And Officer Siddall is a named defendant, correct?

A. Yes, Your Honor.

Q. Okay. So he would have to have notice as well. Is that correct?

A. Yes, Your Honor.

Q. Okay. That's what I mean. He would have to have notice — the Baltimore City Police Department has to have notice and then Siddall needs to have notice, correct?

A. Yes, Your Honor.

When the court later made its ruling granting the motion to dismiss, however, the court explained that there was "no good cause" for the delay in providing the notice "51 days late." The court did not base its ruling on a failure to provide a separate notice to Officer Siddall.

July 2, 2013, records request provided, and that all of the correspondence appellant cited in support of his "good cause" argument had been generated months after notice was actually given to the City Solicitor, undercutting any argument by appellant that he needed those documents before he could give notice to the City Solicitor.

Officer Siddall further pointed out that, although appellant was arguing that good cause existed to excuse his late notice because he was having difficulty getting the police report, the record of correspondence showed that, after making an initial records request on July 2, 2013, appellant did not contact the police department again until October 10, 2014, eight months after he provided notice to the City Solicitor. For all those reasons, Officer Siddall argued, appellant had failed to demonstrate good cause. The motion to alter or amend was not ruled upon until June 4, 2015, at which point it was denied.

On April 1, 2015, appellee BCPD filed a motion to dismiss, noting that, while it was not asking for dismissal on this specific ground, "it ha[d] never been served a copy of the summons and complaint in this case." Appellee BCPD made two arguments in its motion to dismiss: 1) it was shielded from direct liability by sovereign immunity (and was the only defendant remaining in the case, after the grant of Officer Siddall's motion to dismiss without leave to amend on March 10, 2015); and 2) it was entitled to dismissal because of appellant's failure to comply with the 180-day notice requirement of the LGTCA.

On April 15, 2015, appellant filed an opposition, restating the arguments he had advanced in his opposition to Officer Siddall's motion to dismiss. Appellant conceded that he had not strictly complied, but asserted that BCPD could not show any prejudice because

BCPD had "investigated this matter both as a preliminary matter, reports having been made, as well as photo's [sic] and an Internal Affairs Investigation." Also on April 15, 2015, appellant filed a second "Motion to Waive 180 [sic] Notice," which appears from the record to be identical to appellant's first such motion, which had been denied on March 10.

Finally, on April 15, 2015, appellant also filed a Second Amended Complaint. He did not file a comparison copy, as required by Rule 2-341(e), but our review reveals that (with one exception) it is identical to the Amended Complaint that had been dismissed, without leave to amend, on March 10. This Second Amended Complaint purported to add a "Count VI." This count did not display a name of the cause of action, but the gist of it is that BCPD failed to properly supervise Officer Siddall.

On May 22, 2015, the parties appeared before Judge Jeffrey Geller for a hearing on BCPD's motion to dismiss. At the outset of the hearing, counsel for BCPD pointed out that appellant's March 12 motion to alter or amend Judge Stewart Mays's March 10 denial of appellant's motion to waive the 180-day notice requirement remained undecided. Judge Geller responded that, "since that is seeking to alter or amend an order of another judge, it probably more appropriately would go back to her." Counsel for appellant argued that the court had the discretion to hear the motion to alter or amend, and urged the court to rule on that motion. The court declined, observing:

> [BY THE COURT]: Counsel, I don't agree with you. This is Judge Mays' order. I can't give additional reasons for her order. I can't open for additional argument for her order. I don't know what her reasoning or rationale was. My understanding of [*Baltimore City Police Department v. Cherkes*, 140 Md. App. 282 (2001)] and other cases like that would be akin to if you had filed a motion in limine that was ruled upon by one judge, but then the case is sent to

> another judge for trial, that second judge could reconsider the issue if it's — if it's raised again at trial or during the course of — if there's an objection raised during the testimony.
>
> So this is Judge Mays' decision to make.

With respect to the BCPD's motion to dismiss, Judge Geller found that no good cause existed for appellant's untimely notice under the LGTCA, and granted appellee BCPD's motion to dismiss; the order was docketed on June 5, 2015. Judge Geller also agreed with the BCPD's argument that it was protected by sovereign immunity. On the same day, the order of Judge Mays denying appellant's motion to alter or amend was docketed. This appeal followed.

STANDARD OF REVIEW

In *Housing Authority of Baltimore City v. Woodland*, 438 Md. 415, 428 (2014), the Court of Appeals stated that a ruling regarding substantial compliance is reviewed as a matter of law: "We review a trial court's determination of whether a plaintiff substantially complied with the LGTCA's notice requirement as a matter of law." In contrast, however, a court's ruling that there was no good cause for the delay in providing notice is reviewed for abuse of discretion. *Id*. at 434 ("It is not our task on appellate review to decide 'good cause' afresh, but rather, to decide whether the trial court abused its discretion in its good cause determination.").

DISCUSSION

I. The LGTCA's notice requirement

The LGTCA provision at issue here is CJ § 5-304, which provides, in pertinent parts:

(b) (1) Except as provided in subsections (a) and (d) of this section, **an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 180 days after the injury.**

(2) **The notice shall be in writing and shall state the time, place, and cause of the injury.**

(c) (1) The notice required under this section shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant.

(2) Except as otherwise provided, if the defendant local government is a county, the notice required under this section shall be given to the county commissioners or county council of the defendant local government.

(3) **If the defendant local government is**:

(i) **Baltimore City, the notice shall be given to the City Solicitor**;

(ii) Howard County or Montgomery County, the notice shall be given to the County Executive; and

(iii) In Anne Arundel County, Baltimore County, Harford County, or Prince George's County, the notice shall be given to the county solicitor or county attorney.

(4) **For any other local government, the notice shall be given to the corporate authorities of the defendant local government.**

(d) **Notwithstanding the other provisions of this section**, unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, **upon motion and for good cause shown the court may entertain the suit even though the required notice was not given**.

(Emphasis added.)

The purpose of the LGTCA notice requirement is "to apprise local governments of possible liability at a time when they can conduct their own investigation into the relevant facts, while evidence and the recollection of witnesses are still fresh." *Smith v. Danielczyk*, 400 Md. 98, 112 (2007). Notice under the LGTCA is a "condition precedent" to maintaining an action for damages against a local government or its employees. *Faulk v. Ewing*, 371 Md. 284, 304 (2002). "The notice requirement applies to tort actions brought against the local government directly as well as those brought against an employee." *Rounds v. Maryland-Nat. Capital Park and Planning Com'n*, 441 Md. 621, 640 (2015). "The requirements of CJ § 5-304 are not numerous or burdensome." *Williams v. Montgomery County*, 123 Md. App. 119, 134 (1998). It "requires simply that a written notice of the time, place, and cause of the injury be sent to the county attorney within 180 days after the alleged injury. *See* § 5-304(a),(b). It does not require the institution or prosecution of the civil action." *Heron v. Strader*, 361 Md. 258, 271 (2000).

II. Substantial compliance

Appellant did not strictly comply with the LGTCA by providing the requisite notice within 180 days, as he concedes. Indeed, as noted above, he specifically alleged in his complaint: "On February 7, 2014, [appellant] gave notice of his claim by delivering via certified mail, restricted delivery, a notice of claim to the City Solicitor, George A. Nilson, Esquire and/or his lawful representative."[5]

[5]At oral argument, counsel for the appellees suggested that the City Solicitor is not necessarily the correct person to receive notice of a claim against the BCPD, but no issue was (continued...)

Appellant's arguments on appeal regarding substantial compliance, good cause and lack of prejudice seemed to merge together. His letter addressed to the City Solicitor on February 7, 2014, was never provided to the circuit court, and is not part of this record. Appellant's counsel argued that the letter dated February 7, 2014, was essentially the same as his letter requesting the police report on July 2, 2013. A single records request to the records section of a police department is not substantial compliance under the LGTCA.

At the outset, we note that the letter dated July 2, 2013, is addressed to the Community Correspondence Unit of the BCPD. There is no evidence anywhere in this record that a records request to the Community Correspondence Unit of the BCPD is substantially equivalent to notice "to an entity with responsibility for investigating tort claims lodged against the County." *White v. Prince George's County,* 163 Md. App. 129, 147-48 (2005). As in *White*, there is no evidence in this record that there is any relationship between the Community Correspondence Unit of the BCPD and the City Solicitor, nor is there any evidence that the Community Correspondence Unit of the BCPD investigates potential tort claims against the City.

[5](...continued)
being raised in that regard, and indeed, no question about the propriety of serving the City Solicitor was raised in the circuit court. But counsel pointed out that, strictly speaking, a claim against the BCPD or an employee of the BCPD does not fall within CJ § 5-304(c)(3) because it is not a claim against Baltimore City. In the definition section of the LGTCA, the BCPD and several other entities are defined, for the purposes of the LGTCA only, in CJ § 5-301(d) to fall within the term "Local government." That being the case, the notices to many of the entities listed in CJ § 5-301(d) should be "given to the corporate authorities of the defendant local government" pursuant to CJ § 5-304(c)(4). Neither party to this appeal raised any issue regarding this idiosyncracy.

Furthermore, the letter dated July 2, 2013, does not provide notice that appellant intends to assert a claim against the BCPD or its employees. The letter merely advises that counsel "represents Jeremy Matheny regarding injuries sustained in an incident on or about the above captioned date," which is listed as "June 21, 2013." It provides the location as "Grinnalds Avenue." But it simply requests a police report, and encloses a check to pay for it. There is no threat of suit in the letter or any hint that the injuries "sustained in an incident" on June 21, 2013, are the basis of a potential claim against the BCPD.

In *Ellis v. Housing Authority of Baltimore City,* 436 Md. 331, 346 n.8 (2013), the Court of Appeals stated: "[W]e hold that, to substantially comply with the LGTCA notice requirement, a plaintiff must indicate — either explicitly or implicitly — that the plaintiff intends to sue the local government regarding an injury." Similarly, in *Housing Authority of Baltimore City v. Woodland*, 438 Md. 415 (2014), the Court of Appeals held that the written complaints to the Housing Authority did not provide legally sufficient notice of a potential claim because the communications contained no statement indicating that there was an intention to file suit. The Court said, 438 Md. at 429: "Here, there was no explicit or implicit threat of legal action, either written or oral. Woodland's mother simply did not make any statement within the statutorily specified time about an intention to sue HABC. This fails the second condition we set forth in *Ellis*. Thus, we agree with HABC that the trial court erred in concluding that Woodland had substantially complied with the LGTCA."

In the present case, the only document appellant sent to the BCPD within 180 days of the incident included no explicit or implicit threat of legal action, either written or oral, and

did not make any statement about an intention to sue any employee of the BCPD. As in the *Woodland* case, it would have been error for the court to find substantial compliance with the notice requirement of CJ § 5-304.

For all these reasons, we conclude that the circuit court did not err in ruling that the appellant did not substantially comply with the notice requirements of the LGTCA.

III. "For good cause shown"

Appellant contends that, even if his letters were inadequate to satisfy the standard of substantial compliance, the circuit court abused its discretion in not excusing his lack of compliance with the notice requirements of the LGTCA because there was no prejudice. He glosses over the requirement that the claimant must show "good cause" for failing to comply with the notice provisions before the court considers the issue of prejudice to the defendant under CJ § 5-304(d). Appellant's arguments have consistently focused on the "absence of prejudice to the defense" prong, while skipping over the requisite predicate of a judicial finding that good cause exists to excuse the late filing. As we noted in *Mitchell v. Housing Authority of Baltimore City*, 200 Md. App. 176, 204 (2011):

> Thus, there are two prongs to a subsection (d) waiver. When a plaintiff in a tort action against a local government has not satisfied the notice requirements enumerated in CJP section 5–304(b), the court has discretion to waive the notice requirements upon a showing of good cause. However, if good cause is shown, there can be no waiver if the defendant makes an affirmative showing that its defense has been prejudiced by the plaintiff's failure to comply with the notice requirements.

(Citing *Longtin v. Prince George's County*, 419 Md. 450, 467–68 (2011)).

In his brief, appellant makes the following argument in support of his contention that the trial court "erred" in finding that he did not demonstrate sufficient good cause to trigger the provisions of 5-304(d):[6]

> As previously noted Appellant attempted to obtain the police report concerning this incident as early as July 2, 2013 in order to ascertain[ ] the proper parties, location, statement of facts/probable cause and other relevant necessary information to form a reasonable legal opinion to properly advise the Appellant of their cause of action, if any. [BCPD], either intentionally or negligently, failed to properly record the police report, thereafter changed the report number, and only after multiple requests provided the Appellant with the report. If it wasn't for the Appellant themselves obtaining the report, Notice, with the required information, would not have been able to be provided until October 31, 2014 when [BCPD] finally provided a copy of the Report.[7]
>
> If anything, [appellant] ha[s] been prejudiced by [BCPD's] failure to comply with their request for the Incident report within a timely manner.
>
> * * *
>
> [BCPD], having been given clear notice of Appellant[']s claim on numerous occasions, being given all required information, and not only given the opportunity to conduct it's [sic] own investigation, did so, through the [BCPD's] Internal Investigation Unit. [BCPD] can not in good faith claim that they have been prejudiced or did not have notice of this incident and claim.

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[6]As noted above, because a waiver of the notice requirement is a matter within the discretion of the trial judge, we review the good cause finding for abuse of discretion. *See, e.g.*, *Rios v. Montgomery County*, 386 Md 104, 121 (2005): "The question of whether good cause for a waiver of a condition precedent exists is clearly within the discretion of the trial court."

[7]Any assertion that Appellant needed the police report to provide notice is belied by the fact that appellant claims notice was given to the City Solicitor on February 7, 2014, even though he had not obtained a police report by that date. Notice under the LGTCA does not require a fully fleshed-out complaint for damages. "Section 5-304 requires simply that a written notice of the time, place, and cause of the injury be sent to the county attorney within 180 days after the alleged injury. *See* § 5–304(a)(b). It does not require the institution or prosecution of the civil action." *Heron v. Strader*, 361 Md. 258, 271 (2000).

As noted above, the court does not address the question of prejudice where there has been no finding of good cause for delay.

Moreover, this is a case in which the claimant was a witness/participant in the incident that gave rise to the claim. There is no suggestion in the record that appellant was not able to communicate the nature of the incident to counsel. No police report was necessary to prepare a notice advising the BCPD that Jeremy Matheny claimed that he had been injured by a police officer who had physically thrown him to the ground without any justification, and that appellant intended to pursue a claim against the officer for damages.

Moreover, a delay in getting requested documents is not good cause for failing to provide the required notice. *Downey v. Collins*, 866 F. Supp. 887 (D.Md. 1994), a case cited by appellant, dealt with the dismissal of a police-brutality complaint upon a finding of non-compliance with the 180-day notice provision of § 5-404 of the then-effective LGTCA, the predecessor to the statute with which we are concerned here. Downey alleged that he was beaten up by a County police officer, which he himself did not remember: "His recollection, and senses, returned sometime after being released on his own recognizance the following day when he found himself in a great deal of pain." *Id*. at 888. Downey consulted an attorney and provided the attorney with the name and phone number of a witness. Although it took awhile for counsel to find the witness, the witness was found three months before timely notice under the LGTCA was due, but Downey did not make an effort to notify the County Attorney of his impending suit until almost eight months after his injury.

The County's motion to dismiss was granted, and on appeal, Downey argued that he had demonstrated good cause for the delay, in part because of "the failure of County employees to respond to requests for certain materials[.]" *Id*. at 890. But the documents Downey requested from the County were not essential for him to provide timely notice of his claim because he already knew, or should have known, that he had a claim against the County, and he had a witness who had "described the details of the alleged beating," which prompted Downey's attorney to "initiate[] a fuller investigation." This involved requesting information from the State's Attorney regarding the night in question. Downey's attorney was told that some of the materials he was requesting were "temporarily unavailable." The United States District Court for the District of Maryland found that there was no good cause for the delay:

> [Downey] points to the failure of County employees to respond to requests for certain materials. If this information was critical to the plaintiff's determination if a claim existed, then an ordinarily prudent person might wait until the needed information was at hand to notify the county of a potential claim. However, when the witness' testimony alone was sufficient to suggest to the plaintiff that a claim might exist notification should have been given.
>
> Ultimately, a reasonably prudent plaintiff in the same circumstances would have filed notice within the statutory deadline. There has been no good cause shown for the delay[.]

Id. at 890.

Here, appellant similarly failed to persuade the circuit court there was a "good cause" that appellant could not provide notice of claim within 180 days of his injury, in compliance with the statute. We conclude that it was not an abuse of discretion for the circuit court to

have declined to find good cause in this case to excuse appellant's lack of compliance with the notice requirements of the LGTCA.

IV. Ruling on motion to alter or amend.

Appellant's third question asks: "Did the Circuit Court err in finding that Judge Geller did not have jurisdiction to rule on Appellants' Motion to Alter or Amend Judgment?" We do not view Judge Geller's explanation of his decision to defer to Judge Mays to rule on the motion to alter or amend her ruling as a "finding that Judge Geller did not have jurisdiction to rule." Judge Geller explained: "I don't know what her reasoning or rationale was. . . . So this is Judge Mays' decision to make." We perceive no error in the fact that one circuit court judge deferred to another circuit court judge to address a motion to alter or amend a judgment. Moreover, there has been no showing of any prejudice arising from Judge Geller's decision to decline to rule. The record reflects that Judge Mays ruled on the motion to alter or amend on the same day Judge Geller declined to do so. This is a non-issue.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED. COSTS TO BE PAID BY APPELLANT.