UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0916

September Term, 2015

CHINYERE UZOUKWU

v.

TYJAUN LEE, *et al*.

Krauser, C.J.,
Nazarian,
Eyler, James, R.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: June 20, 2016

Chinyere Uzoukwu, appellant, filed this appeal after the Circuit Court for Prince George's County granted summary judgment in favor of appellees, thereby disposing of appellant's lawsuit alleging negligence and defamation based on a letter appellees (employees of Prince George's County Community College) sent to appellant, with a copy to the chief of campus security, "barring" appellant from campus. Appellant essentially argues that the trial court (1) erred in granting summary judgment on her defamation claim and (2) abused its discretion in denying her requests for leave to amend her complaint. Finding no error or abuse of discretion, we affirm.

The trial court did not err in granting summary judgment because even assuming that a genuine issue of material fact existed with respect to whether the barring letter was published to the college's chief of police, appellees, who worked as administrators for the college, had a qualified privilege to share that letter with him because he was in charge of campus security. *See McDermott v. Hughley,* 317 Md. 12, 28, (1989) ("A statement is accorded a qualified privilege [ ] when the occasion shows that the communicating party and the recipient have a mutual interest in the subject matter, or some duty with respect thereto." (internal quotation marks and citation omitted)). Moreover, even viewing the evidence, and all inferences therefrom, in a light most favorable to appellant, *see Myers v. Kayhoe,* 391 Md. 188, 203 (2006), nothing was presented from which a reasonable fact-finder could have found that appellees acted with malice and therefore abused the conditional privilege. *See Ellerin v. Fairfax Sav. F.S.B.,* 337 Md. 216, 240 (1995) (noting that if a conditional privilege applies, the plaintiff must produce facts, admissible in evidence, that the defendant acted with malice); *see also Piscatelli v. Van Smith*, 424 Md.

294, 308 (2012) (stating that although malice is usually a question for the fact-finder, it need not be submitted to the fact-finder when the plaintiff fails to allege or prove facts that would support a finding of malice); *Capital–Gazette Newspapers, Inc. v. Stack*, 293 Md. 528, 539–40 (1982) ("'Actual malice' cannot be established merely by showing that: the publication was erroneous, derogatory or untrue . . . the publisher acted negligently . . . the publisher acted in reliance on the unverified statement of a third party without personal knowledge of the subject matter of the defamatory subject . . . or the publisher acted without undertaking the investigation that would have been made by a reasonably prudent person." (citations omitted)).

Finally, appellant's 42 U.S.C § 1981 claims, which she had previously voluntarily dismissed, alleged no facts which plausibly linked the issuance of the letter to any race-based discrimination on the part of appellees or any other party. *See Williams v. Staples, Inc.,* 372 F.3d 662, 667 (4th Cir. 2004) (stating that to prove a § 1981 claim, a plaintiff must ultimately establish both that the defendant intended to discriminate on the basis of race and that the discrimination interfered with a contractual interest). Therefore, those claims would have been subject to dismissal even if reinstated. *See, e.g., Francis v. Giacomelli*, 588 F.3d 186 (4th Cir. 2009) (dismissing a § 1981 claim where the only factual allegations supporting the claim of race discrimination were that (1) the plaintiffs were African-American males; (2) the defendants were all white males; and (3) the defendants had never physically removed a white employee from the building following their termination); *see also RRC Northeast, LLC v. BAA Maryland, Inc.*, 413 Md. 638, 644 (2010) (noting that bald allegations and conclusory statements are not sufficient to support

a complaint). Accordingly, the trial court did not abuse its discretion in denying appellant's requests to amend her complaint to reassert those claims. *See RRC Northeast, LLC*, 413 Md. at 673-74 ("Although it is well-established that leave to amend complaints should be granted freely to serve the ends of justice and that it is the rare situation in which a court should not grant leave to amend, an amendment should not be allowed if it would result in prejudice to the opposing party or undue delay, such as where amendment would be futile because the claim is flawed irreparably.").

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.