

Circuit Court for Howard County
Case No. 13-C-11-085869

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2243

September Term, 2019

MARLENA JAREAUX

v.

GAIL R. PROCTOR, ON BEHALF OF
PROCEAUX PROPERTIES, LLC

Friedman,
Gould,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 11, 2021

*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.

In this appeal from a civil action in the Circuit Court for Howard County, Marlena Jareaux, appellant, challenges the denial of a motion against appellee Gail R. Proctor, on behalf of Proceaux Properties, LLC (hereinafter “the Company”), “to Strike All Filings Done By Non-Party-In-Interest ‘Gail Proctor’, And To Clarify That 2012 Judgment Went To Plaintiff Company” (hereinafter “motion to strike and clarify”). For the reasons that follow, we shall affirm the judgment of the circuit court.

We recount some of the pertinent facts from our previous opinion in the parties’ dispute:

On March 2, 2011, Proctor filed her complaint in the circuit court on behalf of the Company. The complaint alleged that Jareaux (1) engaged in willful and gross negligence as President of the Company, (2) breached her contract with the Company as managing member, (3) was unjustly enriched by the Company, (4) tortiously interfered with the Company, and (5) breached her fiduciary duty by engaging in fraud. On March 12, 2012, Proctor filed a voluntary petition for bankruptcy under Chapter 13 of the Bankruptcy Code. That case was dismissed sometime after 2012.

The circuit court held a bench trial on August 6 through 8, 2012, and found in favor of Proctor in the amount of \$49,942.00. In its order dated and entered on August 27, 2012, the court granted judgment “in favor of [Proctor] on behalf of [the Company] in the amount of \$49,942.00,” and enjoined Jareaux “from any further activities” regarding the Company, including “any action to thwart efforts [] Proctor might make to salvage [the Company’s] fortunes or to be in a position to pay off debts of the [Company].” On August 28, 2012, the clerk issued a Notice of Recorded Judgment, noting, among other things, “Judgment in Favor of: Proctor, Gail R.”

On September 6, 2012, Jareaux filed a Motion to Reconsider and Alter/Amend Judgment and a Motion for a New Trial, which was denied on February 13, 2013. On March 15, 2013, Jareaux filed a notice of appeal to this Court, but we *sua sponte* dismissed the appeal on September 13, 2013, after Jareaux did not pursue the appeal.

Jareaux v. Proctor et al., No. 322, September Term 2015 (filed July 19, 2016), slip op. at 2-3 (footnote omitted).

In May-June 2019, Ms. Proctor filed requests for garnishment of property other than wages. On October 17, 2019, Ms. Jareaux filed the motion to strike and clarify, in which she asked the court “to strike all of [Ms.] Proctor’s filings” and “make it clear . . . who the real party in interest was in this derivative lawsuit.” The court denied the motion, as well as a subsequent motion for reconsideration.

Ms. Jareaux now challenges the court’s judgment on the ground that “[w]hen a corporation or LLC is collecting on the judgment it won, the filings . . . need to be in the name in the corporation or LLC.” But, the Court of Appeals has stated that the “doctrine of res judicata bars the relitigation of a claim if there is a final judgment in a previous litigation where the parties, the subject matter[,] and causes of action are identical or substantially identical as to issues actually litigated *and as to those which could have or should have been raised in the previous litigation.*” *Board of Ed v. Norville*, 390 Md. 93, 106-07 (2005) (emphasis added). Here, Ms. Jareaux effectively challenges the manner in which the court granted judgment in its order of August 27, 2012. Ms. Jareaux could have raised this issue in her appeal from the order, but failed to pursue the appeal. Hence, Ms. Jareaux’s contention is barred by the doctrine of res judicata, and the court did not err in denying the motion for relief.

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