

Circuit Court for Prince George's County
Case No. C-16-CV-23-003135

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2248

September Term, 2024

EVELYN IWENDI

v.

GLENDAL APARTMENTS PROPERTIES,
LLC, *et al.*

Berger,
Kehoe, S.,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: April 23, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This case presents a perfect storm of procedural irregularities, with the instant appeal arising from a grant of summary judgment by the Circuit Court of Prince George’s County. Appellant, Evelyn Iwendi (“Ms. Iwendi”), sued for breach of contract, breach of implied warranty of habitability, violation of common law covenant of quiet enjoyment, and violation of the Consumer Protection Act against her landlord, Glendale Apartments Properties, LLC (“Glendale Apartments”), and Glendale TIC One, LLC (collectively, “Appellees”). Throughout much of the litigation, Joseph K. Githuku, Esq. (“Mr. Githuku”) represented Ms. Iwendi. Four days before a scheduled hearing on the Appellees’ motions for summary judgment, the circuit court granted a motion to withdraw Mr. Githuku’s appearance. Neither Ms. Iwendi nor her former attorney appeared at the hearing on December 20, 2024, and the circuit court granted summary judgment in favor of the Appellees. Ms. Iwendi timely appealed the judgment, presenting the following question for this Court’s review:¹

Whether the circuit court abused its discretion by holding a hearing on the Appellees’ motions for summary judgment without providing Ms. Iwendi a meaningful opportunity to obtain new counsel?

We answer this question in the affirmative. Accordingly, the judgment will be vacated and the case remanded to the Circuit Court for Prince George’s County for a new hearing on the motions. We will not reach the remaining issue raised by Appellees.

¹ We have rephrased the above question presented for legal clarity. Appellant’s Brief posed the following question presented: “[w]hether the circuit court abused its discretion by holding a merits hearing just four days after striking Ms. Iwendi’s counsel—without affording her a meaningful opportunity to secure new representation—and thereby deprived her of her right to counsel.”

I. FACTUAL & PROCEDURAL BACKGROUND

The timeline of this case is critical to our analysis. As noted, on July 10, 2023, Ms. Iwendi, through counsel, filed a complaint against her landlord, Glendale Apartments, alleging breach of contract, breach of implied warranty of habitability, violation of the common law covenant of quiet enjoyment, and violation of the Maryland Consumer Protection Act based on water leakage and resulting damage to her leased property. On March 12, 2024, Ms. Iwendi's attorney filed a second amended complaint ("Complaint") adding Glendale TIC One, LLC as an additional defendant. On March 27, 2024, Appellees filed an Answer to the Complaint. On September 17, 2024, the circuit court issued an Order scheduling trial for January 8–9, 2025. On October 23, 2024, Ms. Iwendi, through counsel, and the Appellees filed a Joint Motion to Continue January 8, 2025 Trial and Amend the Scheduling Order ("Joint Motion to Continue"), requesting the trial date be moved from January 8, 2025 to July 9–10, 2025.

On November 11, 2024, Mr. Githuku mailed a letter to Ms. Iwendi notifying her that he would move to terminate his representation in her case. This letter indicated that Ms. Iwendi's address was 9808 Bald Hill Rd, Bowie, MD 20721. On November 18, 2024, Appellees filed a Motion for Partial Summary Judgment and requested a hearing. On November 19, 2024, Ms. Iwendi's attorney filed a Motion to Withdraw Appearance ("Motion to Withdraw"). On November 25, 2024, the circuit court denied the Joint Motion to Continue. On November 26, 2024, Appellees filed a Motion for Summary Judgment and again requested a hearing. On December 4, 2024, Ms. Iwendi filed a pro se Motion for

Postponement for July 2025, alleging that she was unwell and not physically or mentally fit for the trial dates of January 8 and 9, 2025.

On December 10, 2024, the motions judge² reached out to counsel for both parties to schedule a hearing on the Motion for Partial Summary Judgment and Motion for Summary Judgment (collectively, “Motions for Summary Judgment”). During the emails exchanged, the motions judge stated that the Motion to Withdraw was before the coordinating judge but clarified that Ms. Iwendi’s attorney was anticipated to be present at the upcoming hearing, and the proposed hearing itself would be limited to consideration of the Motions for Summary Judgment. The summary judgment motions hearing was confirmed for Friday, December 20, 2024.

On December 11, 2024, Ms. Iwendi’s attorney attempted to file Plaintiff’s Opposition to the Motion for Summary Judgment (“Opposition”). On December 16, 2024, the coordinating judge granted the Motion to Withdraw and issued an Order striking Mr. Githuku’s appearance as Ms. Iwendi’s attorney. That same day, the Clerk’s office sent a Notice to Employ New Counsel letter to Ms. Iwendi. This notice was mailed to Ms. Iwendi “C/o Joseph Githuku” at her now former attorney’s address, PO Box 18420, Rosedale, MD 21237.

On December 18, 2024, the Clerk’s office rejected the Opposition Mr. Githuku had attempted to file on Ms. Iwendi’s behalf, for the stated reason that the attorney had

² The next procedural events involve two different judges, which for clarity will be referred to as the “motions judge” and the “coordinating judge.”

requested withdraw and “[t]hat request was granted on 12/16/2024, attorney was removed as a party in the case.” The Notice of Rejected Submission included instructions to refile an attorney appearance and was mailed to the address of Ms. Iwendi’s former attorney.

On December 20, 2024, the motions judge held the hearing on the Motion for Summary Judgment without Ms. Iwendi or her former attorney present. After the hearing concluded, the motions judge granted both Motions for Summary Judgment and entered judgment in favor of the Appellees that same day. On December 30, 2024, the coordinating judge denied Ms. Iwendi’s Motion for Postponement as moot, referring to the grant of summary judgment on December 20, 2024. On January 21, 2025, Ms. Iwendi timely appealed to this Court.³

Additional facts will be included in the discussion as they become relevant.

II. STANDARD OF REVIEW

As a discretionary decision, we review a court’s grant of a motion to withdraw counsel under an abuse of discretion standard. *Serio v. Baystate Props., LLC*, 209 Md. App. 545, 554 (2013) (citing *Das v. Das*, 133 Md. App. 1, 26, 31 (2000)). An abuse of discretion occurs “when the court acts without reference to any guiding principles, and the ruling under consideration is clearly against the logic and effects of facts and inferences before the court” or alternatively, “when the ruling is violative of fact and logic.” *Sibley v. Doe*,

³ Rule 8-202 mandates a thirty day deadline to appeal the relevant judgment or order, which in this case would fall on Sunday, January 19, 2025 with the next closest following day being Monday, January 20, 2025, a holiday. Under Rule 1-203(b), Ms. Iwendi’s appeal was timely filed on Tuesday, January 21, 2025.

227 Md. App. 645, 658 (2016) (citation modified) (quoting *Bacon v. Arey*, 203 Md. App. 606, 667 (2012)). Yet abuse of discretion is a flexible standard, with its range dependent on the relevant circumstances of each case and the type of discretionary decision a trial judge is called upon to make. *Nash v. State*, 439 Md. 53, 68 (2014). Ergo, we reverse a discretionary decision “if we are unable to discern from the record that there was an analysis of the relevant facts and circumstances that resulted in the exercise of discretion.” *Maddox v. Stone*, 174 Md. App. 489, 502 (2007).

III. DISCUSSION

This Court concludes that striking Ms. Iwendi’s attorney four days before the motions hearing was an abuse of discretion. Given that Ms. Iwendi’s attorney was actively involved with scheduling the motions hearing and remained her attorney until December 16, 2024, Ms. Iwendi was not provided a meaningful opportunity to obtain new counsel in the four days awarded by the circuit court. Additionally, the Clerk’s office improperly rejected the Opposition as Ms. Iwendi was properly represented by an attorney at the time of filing on December 11, 2024. We conclude that the circuit court abused its discretion by granting the Motion to Withdraw four days before the motions hearing.

A. Parties’ Contentions

Ms. Iwendi argues that the circuit court abused its discretion by scheduling a hearing four days after striking her counsel, denying her adequate time to retain a new attorney. In Ms. Iwendi’s view, the court showed no awareness at the time of the motions hearing of her attorney’s rapid withdrawal, the improperly stricken Opposition filing, and the pending

Motion for Postponement. Ms. Iwendi further argues her case is distinct from the underlying facts of *Serio*, 209 Md. App. at 545, given the four days Ms. Iwendi had to obtain new counsel compared to the multiple weeks of notice *Serio* had to acquire new counsel. Ms. Iwendi argues that the applicable key inquiry under *Serio* is whether the litigant had a meaningful opportunity to acquire new counsel, and considering the circuit court's failure to rule on the Motion for Postponement and abrupt grant of the Motion to Withdraw before the motions hearing in this case, Ms. Iwendi lacked any meaningful opportunity. Per Ms. Iwendi's view, her lack of adequate notice and time better resemble the facts of *Reaser v. Reaser*, 62 Md. App. 643 (1985). Ms. Iwendi maintains that Appellees' attempt to distinguish her case from *Reaser* due to her failure to appear at the motions hearing ignore the context and circumstances known before the court in her case. Ms. Iwendi argues that if fifty days was insufficient to obtain new counsel in *Reaser*, her four days of notice by the circuit court amounts to an abuse of discretion.

Appellees argue that the circuit court did not abuse its discretion in granting summary judgment, as Ms. Iwendi had the opportunity to retain new counsel beginning on November 11, 2024, the day she received mailed notice of her attorney's intent to withdraw. Per Appellees' view, Ms. Iwendi was aware of the proceedings and chose not to retain new counsel nor appear for the hearing. Appellees argue that Ms. Iwendi's decisions were voluntary and not the result of any deprivation of her right to counsel, given her intent to proceed pro se in the case. Appellees further argue that Ms. Iwendi was not entitled to her requested continuance under Rule 2-132(c), given her actual notice of her counsel's

intent to withdraw and her opportunity to either retain new counsel or appear at the hearing pro se. Appellees argue that *Reaser* is not applicable, as Ms. Iwendi failed to appear for her hearing, did not request a continuance, and did not raise any concern about her lack of representation. According to Appellees, Ms. Iwendi's decision to forgo counsel does not entitle her to a continuance or render the court's decision to proceed with the scheduled hearing an abuse of discretion under the holding in *Serio*.

B. Applicable Law

We briefly address the relevant circumstances and holdings in *Serio* and *Reaser*, given the parties' reliance on both cases. On appeal to this Court, *Serio* argued that the circuit court's denial of his request for a continuance denied him a meaningful opportunity to secure new counsel and the Clerk's Rule 2-132 letter sent six days after judgment rendered the Rule's purpose meaningless. *Serio*, 209 Md. App. at 552. *Serio*'s trial was set for July 22, 2009 and on May 1, 2009 *Serio*'s attorney notified him of her law office closure. *Id.* at 556. *Serio*'s attorney sent *Serio* a withdrawal letter per Rule 2-132 on May 12, 2009. *Id.* Despite *Serio*'s own testimony indicating his knowledge of the approaching trial date and his awareness of his attorney's intent to withdraw, *Serio* did not seek to engage new counsel until shortly before trial. *Id.* Noting that *Serio* had all of May, June, and three weeks of July to obtain new counsel and opted not to do so, the circuit court denied the request for a continuance and granted the attorney's motion to withdraw on the day of trial. *Id.* at 557. This Court found no abuse of discretion and emphasized that a trial

court's discretionary denial or grant of a continuance and a motion to withdraw must "be exercised in light of the circumstances." *Id.* at 555–56, 58.

This Court determined in *Reaser* that the denial of a continuance based on failure to obtain new counsel was an abuse of discretion, given the underlying facts known to the circuit court. *Reaser*, 62 Md. App. at 645. Reaser was originally represented by counsel in a complex divorce proceeding set for May 31, 1984, until the trial court struck the appearance of her counsel on April 11, 1984. *Id.* at 649. Reaser filed a request for a continuance based on her inability to obtain new counsel on April 26, 1984, which was denied six days before trial on May 25, 1984. *Id.* Reaser renewed her request for continuance at trial and the trial court denied the request for no stated reason. *Id.* On appeal, this Court concluded that the failure of the trial judge to grant a continuance where no prejudice to the other side was shown and no objection voiced was an abuse of discretion. *Id.* at 650.

C. Analysis

At issue is whether the circuit court abused its discretion in granting the Motion to Withdraw four days before the motions hearing. Rule 2-132(c) in relevant part requires that when a client has no attorney of record and has not mailed written notification of intention to proceed in proper person, "the clerk shall mail a notice to the client's last known address warning that if new counsel has not entered an appearance within 15 days after service of the notice, the absence of counsel will not be grounds for a continuance." The Rule does not require a fifteen-day continuance after an attorney's appearance has been struck, yet it

does permit denial of a motion for withdrawal if it would cause “undue delay, prejudice, or injustice.” *Serio*, 209 Md. App at 555–56. Rule 1-201(a) states the Maryland Rules “shall be construed to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay.” These very same objectives “must also govern the exercise of the court’s discretion in dealing generally with proceedings before it.” *Benning v. Allstate Ins. Co.*, 90 Md. App. 592, 596 (1992).

Under the circumstances in this case, Ms. Iwendi’s attorney first notified her of his intent to withdraw his appearance on November 11, 2024 and filed the Motion to Withdraw on November 19, 2024. Appellees first moved for summary judgment on November 18, 2024 and again on November 26, 2024. Ms. Iwendi filed a Motion for Postponement on her own initiative on December 4, 2024. The court, nevertheless, contacted counsel for both parties via email on December 10 and 11, 2024, to schedule a hearing on the Motion for Summary Judgment and set it on an agreed date of December 20, 2024. Ms. Iwendi’s counsel attempted to file an Opposition to Summary Judgment on December 11, 2024. On December 16, 2024, the circuit court struck Mr. Githuku’s appearance as Ms. Iwendi’s attorney, and the Clerk sent a Notice to Employ New Counsel on the same day. Maryland Rule 2-132(c) requires that the Notice to Employ New Counsel be sent to the party at their last known address. Ms. Iwendi’s address on the Complaint was listed as c/o Mr. Githuku at his address. However, the “five day letter” that Mr. Githuku had sent to Ms. Iwendi indicated the Bald Hill Road address. It is, at best, questionable as to whether the Clerk

complied with Maryland Rule 2-132(c) by sending her the Notice to Employ New Counsel to the address of the attorney, who no longer had any obligation to her.

At the time the court struck the appearance of Ms. Iwendi's attorney, the motions hearing was four days away. The Notice to Employ New Counsel, sent to Ms. Iwendi at the address of her withdrawn counsel on December 16, 2024 stated that "unless new counsel enters an appearance in this case within fifteen (15) days after service upon you of this notice, your lack of counsel shall not be grounds for postponing any further proceedings concerning the case." Nothing in the record indicates that Ms. Iwendi ever received the Notice to Employ New Counsel. Additionally, nothing in the record demonstrates Ms. Iwendi was required to attend the motions hearing.

Setting aside the Notice to Employ New Counsel altogether, we cannot overlook the actions taken by her attorney whilst the Motion to Withdraw was pending. Despite notice of her attorney's intent to withdraw as of November 11, 2024, Ms. Iwendi's attorney had persistent involvement in the case as seen by the December 10–11, 2024 email communications and attempt to file the Opposition on December 11, 2024. Moreover, Ms. Iwendi's attorney remained involved in the case until granted withdrawal by the circuit court on December 16, 2024. As such, Appellees' insistence on the November 11, 2024 letter as the relevant date in our analysis is misguided, given the fact that the motions hearing was not scheduled until December 11, 2024. Consequently, our concern lies within the timeframe Ms. Iwendi's attorney was granted withdrawal from the case and whether Ms. Iwendi had reasonable time to obtain counsel before the motions hearing occurred.

Simply put, the relevant dates for the purpose of our review are December 16, 2024 and December 20, 2024.

Moreover, the Clerk's office incorrectly rejected the submission of the Opposition on December 18, 2024, seven days after its filing on December 11, 2024, for the given reason of attorney withdrawal. But at the time the Opposition was filed, Ms. Iwendi *was* represented by counsel and continued to be until December 16, 2024. The Clerk's office rejected the Opposition based on Ms. Iwendi's attorney withdrawal, despite her representation at the time of filing. Based on our review of the record and our reluctance to engage in procedural time-travel, we find the Clerk's office incorrectly rejected the submission of the Opposition.

We turn now to the contested issue of whether Ms. Iwendi was a pro se litigant. Appellees' argument that Ms. Iwendi chose to proceed pro se does not persuade us, particularly given her legal representation up until December 16, 2024. The record reflects a single Motion for Postponement filed by Ms. Iwendi upon her own initiative in support of this contention. Though Ms. Iwendi filed the Motion for Postponement upon her own initiative on December 4, 2024, to conclude this motion was her intention to proceed as a pro se litigant would flout both reason and the record. Moreover, we are not persuaded by Appellees argument that Ms. Iwendi's failure to appear at the motions hearing was voluntary abandonment of her case. Nothing in the record supports the contention that Ms. Iwendi knew that she was obligated to attend the motions hearing, and as such her failure to attend does not preclude our consideration of her case. The circuit court cleared the date

for the hearing with her attorney, and, if represented by counsel, her presence would not have been necessary. Additionally, the Motion for Postponement bears little importance in the circuit court's decision to proceed with the motions hearing. Since the circuit court ultimately dismissed the Motion for Postponement for mootness one week after the motions hearing, we need not address the Motion for Postponement further given the other considerations within this Opinion.⁴

We find *Serio* factually distinct from this case, though the holding is not irrelevant to Ms. Iwendi's case. Notably, *Serio* had more than 70 days to obtain new counsel and later testified at trial about his knowledge and awareness that his attorney had no intention to represent him. *Serio*, 209 Md. App. at 556. Unlike *Serio*, Ms. Iwendi had only four days to obtain new counsel, and the record lacks any support of her knowledge of her awareness regarding the motions hearing. Additionally, the record indicates that she may not have been aware of her responsibility to obtain new counsel pursuant to Maryland Rule 2-132(c). Further distinct from the facts in *Serio* is that Ms. Iwendi's attorney was actively filing documents on her behalf with the court as recent as nine days before the motions hearing, and remained involved in the case until permitted to withdraw four days before trial. While the circuit court in this case undoubtedly had discretion to permit or deny the Motion to Withdraw, the real issue arises through the court's timing of the Order permitting Ms.

⁴ Ms. Iwendi's Motion for Postponement filed December 4, 2024, did not mention retaining new counsel, and instead raised ongoing medical issues as the basis for her request. We express no opinion on the dismissal of the Motion for Postponement for mootness, as our Opinion too renders the Motion for Postponement moot albeit for different reasons.

Iwendi's attorney's withdrawal and the scheduled motions hearing. We reemphasize that the decision to grant or deny must be exercised *considering the circumstances before the court*. *Id.* at 556 (emphasis added). When the circuit court scheduled the motions hearing, it understood Ms. Iwendi's attorney planned on representing her despite the pending Motion to Withdraw.⁵ Moreover, after confirming the scheduled motions hearing on December 11, 2024, the circuit court granted the Motion to Withdraw five days later. In Ms. Iwendi's case, we struggle to see how the court's effect of procedure can be construed as fairness in administration, given the circuit court's choice to grant the withdrawal of Ms. Iwendi's attorney and move forward with summary judgment proceedings.

We find *Reaser* also distinct from this case, given the differences in circumstances of Ms. Iwendi's case. First, we highlight that Reaser was expected to testify at trial compared to Ms. Iwendi, whose motions hearing was to be argued by her attorney. Unlike Reaser whose requested continuance to obtain counsel was denied once before trial and a second time when renewed at trial, the record in this case reflects no continuance request made by Ms. Iwendi between the December 16, 2024 and December 20, 2024 hearing, but that the Notice to Employ New Counsel letter was sent to Ms. Iwendi four days before the hearing and addressed to her former attorney's address. Given the fact that Ms. Iwendi's

⁵ In emails to counsel for the parties attempting to schedule the timing for the hearing, the motions judge via the law clerk stated “[i]t is anticipated that Plaintiff's Counsel will be present at the hearing, pending a ruling on the Motion to Withdraw as Counsel.”

Motion for Postponement was not denied but rather dismissed as moot by the circuit court, we find *Reaser* not the best comparison to Ms. Iwendi's case.

Although the court undoubtedly has the discretion to grant or deny a motion to withdraw, under the circumstances in this case, the circuit court's grant of the Motion to Withdraw four days before the motions hearing that he had indicated he would attend was an abuse of discretion. The circuit court's decision rendered Ms. Iwendi without counsel before a legally complex hearing, resulting in a mere four days for Ms. Iwendi to obtain new counsel. Moreover, Ms. Iwendi did not appear at her motions hearing and the record does not reflect any evidence that she was aware of her obligation to attend. While the record reflects Ms. Iwendi did not appear at her hearing, Ms. Iwendi cannot be construed to have voluntarily abandoned her case as the Appellees have proposed given the short time between her attorney's withdrawal and the motions hearing. Our primary concern lies with the court's onus to ensure fair administration of justice in dealing with the proceedings before it, particularly in exercising its discretion.

Under the flurry of filings and events in this case, the procedural left hand of the circuit court did not know what the right hand was doing. The effect of the circuit court's decision to move forward with the motions hearing, considering the Order striking her attorney and the improper rejection of the Opposition, meant that Ms. Iwendi was expected to attend the motions hearing and argue pro se with four days of notice. We cannot say the circuit court's decisions to grant the Motion to Withdraw and continue with the motions hearing four days later gave Ms. Iwendi a meaningful opportunity to obtain new counsel,

given that the circuit court scheduled the motions hearing *with the anticipation* that Ms. Iwendi *would have* representation. To determine otherwise would cut against the very objectives that must “govern the exercise of the court’s discretion dealing with proceedings before it.” *Benning*, 90 Md. App at 597.

Given the circumstances of this case, the court’s chosen procedure secured neither simplicity in procedure nor fairness in administration, achieving instead quite the opposite for Ms. Iwendi. *See id.* (in the context of Rule 1-201(a)). *Had* Ms. Iwendi indicated her intent to proceed pro se and *then chosen not* to appear at the motions hearing, our reasoning might very well differ. Yet the record indicates that even *assuming she had received* the Notice to Employ New Counsel on the day it was mailed, Ms. Iwendi only had four days to obtain new counsel. As such, Ms. Iwendi must be provided the opportunity for a new motions hearing, as she was not awarded a meaningful opportunity to obtain new counsel to defend her case from summary judgment.

Amidst the quest of greater judicial efficiency, courts “must not lose sight of their primary responsibility: to render justice and resolve disputes in a fair and just manner.” *Maddox*, 174 Md. App. at 506–07. We need not disturb the order striking Ms. Iwendi’s former attorney in this case, given the main issue being the timing of the Order and Ms. Iwendi’s reasonable opportunity to obtain counsel before the motions hearing. The circuit court abused its discretion in granting the Motion for Summary Judgment and entering judgment in favor of the Appellees without having provided Ms. Iwendi with a meaningful opportunity to obtain new counsel. Therefore, the summary judgment order in favor of

Appellees must be vacated and the case remanded for a new motions hearing. Regarding the improperly rejected submission of the Opposition, Ms. Iwendi shall have thirty days from the posted date of this mandate by the Court to file a response to the Motion for Summary Judgment.

IV. CONCLUSION

Maryland Rule 1-201(a) provides that the “rules shall be construed to secure simplicity in procedure, and fairness in administration.” These words are not a truism but, instead, are a promise to parties litigant that they will be treated fairly. In this case, the left hand of the circuit court did not know what the right hand of the circuit court was doing. As a result, the court breached its promise of fairness in administration to Ms. Iwendi. We conclude that the circuit court abused its discretion by striking the appearance of Ms. Iwendi’s attorney four days before the motions hearing. We also conclude that the circuit court abused its discretion by holding the hearing on the Motion for Summary Judgment, granting the Motion for Summary Judgment, and entering judgment in favor of the Appellees. Additionally, we conclude that the Clerk’s office improperly rejected the Opposition to Summary Judgment, because at the time that the motion was filed Ms. Iwendi was properly represented by an attorney. To address the error of the Clerk’s office upon remand, we hold that Ms. Iwendi has thirty days from the posted date of this mandate to file an opposition motion to summary judgment. Accordingly, we vacate the Order granting summary judgment and remand the case to the Circuit Court of Prince George’s County for further proceedings consistent with this Opinion.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY GRANTING SUMMARY JUDGMENT IS VACATED. CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION, WITH APPELLANT TO HAVE THIRTY DAYS FROM THE DATE OF THIS MANDATE'S FILING TO SUBMIT RESPONSES TO THE MOTIONS FOR SUMMARY JUDGMENT. COSTS TO BE PAID BY APPELLEES.