

Circuit Court for Calvert County
Case No. C-04-CV-19-000355

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2358

September Term, 2019

GERALD T. BROOKS, SR.

v.

STATE OF MARYLAND, *et al.*

Graeff,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 10, 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 2019, Gerald T. Brooks, Sr., appellant, filed a complaint in the Circuit Court for Calvert County against his ex-wife Naomi Stratton, the State of Maryland, the Calvert County Circuit Court, the Calvert County State’s Attorney’s Office, the Calvert County Office of the Public Defender, and the Calvert County Department of Social Services, appellees. The complaint raised claims of fraud, malicious prosecution, civil conspiracy, negligence, and false imprisonment based on appellees’ alleged involvement in several paternity and child support actions that were filed against him between 1986 and 1999, as well as a subsequent criminal prosecution for failure to pay child support in 1999 that resulted in his incarceration. Appellees filed separate motions to dismiss the complaint asserting, among other things, that it was barred by the statute of limitations. The court granted the motions and dismissed the complaint on December 6, 2019. On January 2, 2020, Mr. Brooks filed a motion for reconsideration. That motion was denied on January 8, 2020. Mr. Brooks filed his notice of appeal on February 3, 2020.

Although Mr. Brooks raises three issues on appeal, the only issue that is properly before us is whether the court abused its discretion in denying his motion for reconsideration. In *Pickett v. Noba, Inc.*, 122 Md. App. 566, 570-71 (1998), this Court recognized that a motion for reconsideration filed within ten days of the entry of judgment stays the deadline to file an appeal, whereas one filed more than ten days after entry of the judgment does not. Because Mr. Brooks’s motion for reconsideration was filed more than 10 days after the entry of the order dismissing his complaint, the deadline to file an appeal from that judgment was not stayed. As such, his notice of appeal does not encompass that judgment and is only timely as to the court’s denial of his motion for

reconsideration. *See* Rule 8-202(a) (requiring notice of appeal to be filed within thirty days of the judgment from which the appeal is taken).

We review the denial of a motion for reconsideration for abuse of discretion. *Sydnor v. Hathaway.*, 228 Md. App. 691, 708 (2016). Although abuse of discretion is ordinarily a highly deferential standard of review, the required degree of deference is even greater when the appeal challenges a discretionary decision not to revise a judgment. In that context, “even a poor call is not necessarily a clear abuse of discretion.” *Stuples v. Baltimore City Police Dep’t*, 119 Md. App. 221, 232 (1998). Moreover, “the ruling in issue does not have to have been right to survive so minimal and deferential a standard of review.” *Id.* “At most, the very parochial inquiry we shall undertake is into whether [the circuit court’s] denial of the Motion to Revise was so far wrong – to wit, so egregiously wrong – as to constitute a clear abuse of discretion.” *Id.*

Pursuant to § 5-101 of the Courts and Judicial Proceedings Article the causes of action raised by Mr. Brooks were required to be “filed within three years from the date [they] accrued[.]” In Maryland, the general rule is that the running of limitations against a cause of action begins upon the occurrence of the alleged wrong, unless there is a legislative or judicial exception which applies.” *Poole v. Coakley & Williams Const., Inc.*, 423 Md. 91, 131 (2011). Here, the alleged wrongs committed by appellees occurred between 1986 and 1999, more than 20 years prior to the filing of Mr. Brooks’s complaint. And Mr. Brooks did not allege that appellees or anyone else prevented him from discovering the facts underlying those claims in a timely manner. Consequently, Mr.

Brooks’s complaint was barred by the statute of limitations and the court did not abuse its discretion in denying his motion for reconsideration.

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