

No. 23-\_\_\_\_\_

**In the  
Supreme Court of the United States**

MIRIAM GLADDEN,  
*Petitioner,*

v.

RAYNA WOODFORD AND WILLIAM WOODFORD,  
*Respondents.*

**On Petition for a Writ of Certiorari to the  
Court of Special Appeals of Maryland**

**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

1. Whether the Appellate Court's failure to acknowledge the plain error of Woodfords bringing a defective and improper motion and that the lower court allowing the defective motion to proceed was a fundamental error denying Gladden of Due Process rights?

2. Whether the judge violated rules in treating Gladden, who is Pro Se litigant in a biased and harsh manner as reflected through judicial application of legal standards?

3. Whether the Ex Parte Communication between the Woodfords and Judge violated Gladden's fundamental rights?

4. Whether the Clerk's Office failure to issue a Deficiency Notice to Woodfords for failing to Serve a Copy of their Communication to Gladden further violates Gladden's Due Process rights?

5. Whether Judge Treating Ex Parte Communication with Woodfords Communication from Woodfords titled "Correspondence Requesting Corrected Order" as Motion further violated Gladden's fundamental rights?

6. Whether Judge Issuing Amended Order 2 Days After Receiving Woodford's after receiving Woodfords' "Correspondence Requesting Corrected Order" further violated Gladden's fundamental rights in that Gladden did not receive notice and the Order was changed within 2 days further preventing Gladden an opportunity to be heard in violation of Due Process rights?

7. Whether the multiple judicial transgressions during court proceedings warrants a vacatur of the ruling?

## **LIST OF PARTIES**

### **PARTIES TO THE PETITION**

#### **Petitioner and Plaintiff-Appellant below**

- Miriam Gladden, Individually and as Trustee of the Estate of Brenda Winckler Gladden, Pro Se Litigant

#### **Respondents and Defendants-Appellees below**

- Rayna Woodford
- William Woodford

The Woodfords were represented by attorney,  
Duncan S. Keir, Esq.

### **OTHER INTERESTED PERSONS (NON-RESPONDENTS)**

#### **Circuit Court Judge**

Judge Timothy McCrone, Howard County Circuit Court

#### **Relatives and Heirs to Estate of Decedent**

- Estate of Grace Morton Dixon
- Estate of Brenda Winckler Gladden
- Nicholas Woodford, M.D.
- Matthew Woodford, M.D.
- Jordana Woodford
- Paul B. Gladden, M.D.
- Philbin L. Scott, Jr.

## LIST OF PROCEEDINGS

Supreme Court of Maryland

Miriam Gladden, *Petitioner* v.  
Rayna Woodford, Et Al., *Respondents*

Petition Docket No. 45, September Term, 2023

Petition denied: June 20, 2023

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Court of Special Appeals of Maryland

No. 1982-2021

Miriam Gladden, *Appellant* v.  
Rayna Woodford, Et Al., *Appellees*

Opinion: January 24, 2023

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Howard County Circuit Court

No.: C-13-cv-21-000064

Miriam Gladden, *Plaintiff* v.  
Rayna Woodford, Et Al., *Defendants*

Amended Order: January 20, 2022

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Howard County Circuit Court

No.: C-13-cv-21-000064

Miriam Gladden, *Plaintiff* v.  
Rayna Woodford, Et Al., *Defendants*

Order: September 20, 2021

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## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner respectfully prays that a Writ of Certiorari issue to review the judgment below.



## **OPINIONS BELOW**

The Order of the Supreme Court of Maryland denying a Petition for Writ of Certiorari appears at App.1a. The Opinion of the Maryland Special Court of Appeals, dated January 24, 2023, appears at App.3a. The Order dated September 20, 2021, signed by Judge McCrone appears at App.29a. The Amended Order dated January 20, 2022, signed by Judge McCrone appears at App.27a.



## **JURISDICTION**

The date on which the highest court in the State of Maryland, Maryland Supreme Court decided my case was June 20, 2023. A copy of that decision appears at App.1a. By letter of the Clerk of Court dated October 18, 2023, Petitioner received an additional 60 days to file a petition under Sup. Ct. R. 33.1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).



## **CONSTITUTIONAL PROVISIONS AND JUDICIAL RULES INVOLVED**

### **U.S. Const., amend. XIV, § 1**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This petition also involves various sections of the Code of Conduct for United States Judges, Maryland Rules of Procedure, and Maryland Rules of Judicial Conduct. These provisions will be cited to as they arise in the petition.



## **STATEMENT OF THE CASE**

1. Petitioner Miriam Gladden brought this action individually and as trustee of the Estate of Brenda Winckler Gladden.

2. Petitioner, Miriam Gladden, is the biological granddaughter of Decedent Grace Dixon, a retired Maryland State Public School Teacher who resided in Howard County.

3. The late Brenda Winckler Gladden is the biological daughter of Decedent Grace Dixon and mother of Petitioner Miriam Gladden and Paul Gladden.

4. Respondent Rayna Woodford is the biological daughter of Decedent Grace Dixon, younger sister of Brenda Gladden, and aunt of Petitioner Miriam Gladden. Respondent William Woodford is the son of Respondent Rayna Woodford, hereinafter Respondents Rayna Woodford and William Woodford ("Woodfords").

5. Petitioner Miriam Gladden inherited the property of her mother, Brenda Gladden, including a 1/3 property interest in home of Decedent Grace Dixon from mother, Brenda Gladden upon her death on April 16, 2011; Petitioner had a vested property interest. See Deed of Decedent Grace Dixon dated June 9, 1999 granting a 1/3 undivided interest as tenant-in common to Brenda Gladden. On page 2 it states:

TO HAVE AND TO HOLD the property hereby conveyed unto the Grantees, their respective personal representatives, heirs and assigns, in fee simple, forever, as tenants in common, and not as join tenants, in the shares and proportions set forth below, . . . As to BRENDA DOLORES GLADDEN, a one-third (1/3) undivided interest. . . .

*See* Deed 1999. and *See* 2011 Deed. The 2004 Will of Brenda Winckler Gladden was executed March 1, 2004, *See* Will of Brenda Winckler Gladden.

And also, the Will of Brenda Winckler Gladden transferred properties that she owns at time of her

death to her estate. *See* Will of Brenda Winckler Gladden. Thus, monies and personal effects and items were transferred to Miriam Gladden at her mother's death.

6. Petitioner Miriam Gladden filed Complaint on January 26, 2021 as Plaintiff Miriam Gladden, individually and as Trustee of the Estate of Brenda Gladden, hereinafter ("Gladden").

7. Woodfords responded with a Motion to Dismiss or for Summary Judgment of Complaint dated March 12, 2021.

8. Woodfords failed to serve Motion to Dismiss or for Summary Judgment of Complaint to Gladden. Gladden has never received such document by mail. Gladden happened to call the Clerk's Office on March 23, 2021 inquiring about the receipt of any Answer in response to Gladden's Complaint. The Clerk informed Plaintiff that no Answer had been filed but that a Motion to Dismiss or for Summary Judgment had been filed on March 12th. (Note that Gladden was not enrolled in the MDEC system until June 21, 2022).

9. On March 24, 2021, Gladden contacted a courier to go the court and retrieve the motion. The opposition was due by March 29, 2021.

10. Gladden documented Woodfords failed to serve her with an Affidavit dated March 29, 2021 and, in the Affidavit, dated July 2021. *See* Opposition Papers.

11. Woodfords have never disputed that they failed to serve Gladden with an affidavit.

12. On May 10, 2021 there was a hearing on the Motion before Judge Bernhardt and Gladden was provided leave to amend the Complaint.

13. On July 8, 2021 Gladden filed an Amended Complaint. The Amended Complaint consists of 19 counts including undue influence, breach of fiduciary duties, fraud, tortious interference with the expectation of inheritance and unjust enrichment. *See* Amended Complaint.

14. Woodfords responded with a Motion to Dismiss or for Summary Judgment dated July 23, 2021. Woodfords did not timely serve Motion to Dismiss or for Summary Judgment of Amended Complaint on Gladden. Gladden did not receive the Motion by mail until after it was due to be filed. Because of the first instance of Woodfords' not serving documents to Gladden, Gladden regularly called the Clerk's Office. Again, Gladden contacted the Clerk's Office and arranged for courier service to retrieve the motion so that Gladden could timely respond.

15. Gladden's Opposition Papers Stated More than 30 issues of Genuine Dispute. Gladden Provided a Sworn Affidavit which based upon her personal knowledge Gladden attested to the specifics of the Wills and Deeds, and their changes, the distribution of monies, the declining health of Decedent Grace Dixon and other relevant details. *See* Opposition Papers.

16. The Court hearing for the Motion was September 17, 2021.

17. On September 20, 2021 Judge Timothy McCrone issued an Order stating:

Plaintiff's Motion for Summary Judgment, and any Opposition thereto, having been read, or heard, and considered, it is this 09/20/2021, by the Circuit Court for Howard County,

ORDERED, that Plaintiff's Motion for Summary Judgment, is hereby GRANTED, with prejudice.

*See Circuit Court Order at App.29a.*

Four (4) and a half months after the issuance of the Order, Woodfords communicated ex parte with the court. The communication with the court lacked Certificates of Service. Despite not noticing Gladden and violating Maryland Rule, the court docketed the communication and stated a line entitled "Correspondence Requesting Corrected Order." *See Court Docket.*

18. Judge McCrone Issued Amended Order 2 Days After Receiving Woodford's "Correspondence Requesting Corrected Order"

19. Judge Timothy McCrone signed Woodfords proposed amended order 2 days after line "Correspondence for Correct Order" was filed with Court.

20. The January 20, 2022 Amended Order states:

Defendants' Motion to Dismiss Amended Complaint or for Summary Judgment, and Plaintiff's Opposition thereto, having been heard, and considered, it is this 01/20/2022, by the Circuit Court of Howard County,

ORDERED, that Defendants' Motion to Dismiss Amended Complaint or for Summary Judgment is hereby is GRANTED, and this matter is hereby dismissed with prejudice.

*See Circuit Court Amended Order at App.27a.*



21. In its Decision, the Appellate Court noted the following errors made by the court: 1. Woodfords motion lacking affidavits; 2. the court accepting for filing Woodfords' line without the required certificate of service demonstrating that Gladden had been served; 3. The court treating Woodfords ex parte communication with Court line titled "Correspondence Requesting Corrected Order" as a motion; 4. the court issuing an amended order 2 days after Woodfords' communication, denying Gladden the required 15 days to respond before amending its order.

22. Gladden filed an appeal with the Maryland Appellate Court and thereafter a Motion to Reconsider.

23. Gladden filed a writ of certiorari with the Maryland Supreme Court.



### **REASONS FOR GRANTING THE PETITION**

This case presents an issue of critical public importance that merits this Court's consideration.

This case present an opportunity to clarify when a judge has shown a pattern of due process violations resulting in the litigant being disadvantaged throughout the court proceedings.

The case also presents an opportunity to clarify whether a judge and opposing counsel engaging in ex parte communication which results in an adverse change to Petitioner presents a fundamental error that in and of itself does not need to show a pattern of errors to constitute a fundamental abridgement of Petitioner's constitutional due process rights.

This is an opportunity for the Court to clarify the bounds of judicial misconduct and transgressions and understanding of structural and procedural rules. It is an opportunity for the Court to clarify that laws should be applied uniformly.

The Maryland Court's decision and court proceedings so far departed from the accepted and usual course of judicial proceedings, that commentary is required.

The Court must use its supervisory powers because the Maryland Appellate Court validated such a gross departure from the law, promulgated rules and accepted course of judicial proceedings by the Howard County Circuit Court. The Court must address the lack of confidence in the Howard County Circuit Court and the courts of the State of Maryland.

Certiorari should be granted because the State of Maryland decided an important case in a way that conflicts with the Fourteenth Amendment, state and statutory laws and relevant decisions of this Court.

#### **I. FOURTEENTH AMENDMENT GUARANTEES DUE PROCESS.**

The Fourteenth Amendment of the U.S. Constitution guarantees due process. In Section 1 it states:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens the United States; nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction equal protection of the laws.

Due Process requires an unbiased tribunal, a decision where there are written findings of fact and reason for the decision and a decision where laws are not violated in reaching a ruling.

At a minimum due process requires a judge, a court, to follow its own rules.

Rules of procedure are precise rubrics to be strictly followed and a violation of one of these rules constitutes an error, normally requiring curative action or sanctions. A violation of certain rules can rarely be deemed harmless error. *Evans v. State*, No 18510 (Md. Ct of Spec. App. June 11, 2015). Further an error is only “harmless” when the reviewing court can declare a belief beyond a reasonable doubt that it in no way affected the outcome of the case. *Dorsey v. State*, 276 Md. 638, 659 (1976). A structural error is not harmless.

The United States Supreme Court and the State of Maryland have found structural errors in cases where a judge lacked impartiality. Structural errors have an “unquantifiable . . . effect on the framework of a trial.” *State v. Jordan*, 480 Md. 490, 507 (2022) (quoting *Sullivan v. Louisiana*, 508 U.S. 275, 282 (1993)). An error is not “harmless” when a party is prejudiced. There must be no reasonable possibility that the error contributed to the outcome of the case. *Dorsey v. State*, 276 Md. 638, 659 (1976).

A court must follow its own promulgated rules. *Evans v. State*, No 18510 (Md. Ct of Spec. App. June 11, 2015); *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

Here, Judge McCrone repeatedly violated Maryland Rules, standards and laws, including engaging in ex parte communication with Woodfords, permitting the filing by Woodfords with the Clerk’s Office with the

Clerk's Office failing to issue a deficiency notice when Gladden, the other party, was not served, thereafter acting on such ex parte communication and treating such ex parte communication as a motion, and further in treating such ex parte communication as a motion, wherein by law 15 days would be allowed but here, Judge McCrone issued a new order in less than 2 days and doing all of this more than 4 and a half months after the Order was issued beyond all statutory time frames for a filing for a corrected motion or the filing of appeal by Woodfords. Judge McCrone violated state laws in the court proceedings leading to a patently wrong and unjust outcome.

The violative errors of Judge McCrone "seriously affected the fairness, integrity, [and] public reputation of the judicial proceedings." *Newton v. State*, 455 Md. 341, 364 (2017).

## **II. REVIEW IS REQUIRED BECAUSE THE STATE OF MARYLAND'S ANALYSIS CONFLICTS WITH THIS COURT'S DUE PROCESS REQUIREMENTS.**

### **A. The Appellate Court Failed to Acknowledge the Plain and Gross Error of Woodfords Bringing a Defective and Improper Motion and that Judge McCrone Proceeded With the Defective Motion**

Woodfords filed a Motion to Dismiss Amended Complaint or/for Summary Judgement on July 8, 2021 ("Woodfords Motion" or "Motion") predicated on the allegation that Gladden lacked standing.

Maryland Rule 2-501 states:

A . . . motion for summary judgment on all or part of an action of the ground that there is

no genuine dispute as to any material fact . . . shall be supported by affidavit if it is . . . based on facts not contained in the record.

Md. R. 2-501.

An affidavit is necessary to attest to the facts underlying the motion.

Woodfords introduced new facts into the record. With their Motion the Woodfords first presented and introduced to the court record a completed form of the Register of Wills entitled: “Small Estate Notice of Appointment Notice to Creditors Notice to Unknown Heirs” as part of the Letters of Administration of Grace Morton Dixon docketed in Howard County Court on July 23, 2021 which included “List of Interested Persons”. See Court Docket. Gladden is listed as an interested person on “List of Interested Persons”. Note that the “List of Interested Persons” includes the language “I solemnly affirm under the penalties of perjury that the contents of the foregoing list of interested persons are true to the best of my knowledge, information, and belief.” and is signed by Duncan Keir, Attorney and Rayna L. Woodford, Petitioner/Personal Representative” “Docket: 7/23/2021 1:25 PM”; Docketed with the court on July 23, 2021. See Court Docket.

The “Small Estate Notice of Appointment Notice to Creditors Notice to Unknown Heirs” appears to be part of the Registry of Wills forms entitled “Letters of Administration” dated March 10, 2021 and docketed March 12, 2021. But, this document “Small Estate Notice of Appointment Notice to Creditors Notice to Unknown Heirs” including the—“List of Interested Persons” was docketed with the Court on July 23,

2021 and is a new document with new facts put forth by Woodfords.

Although stated above it is critical and must be repeated. The document "Small Estate Notice of Appointment Notice to Creditors to Unknown Heirs" with docket date of July 23, 2021 is 9 pages and includes information as to the witnesses to the execution of the Will, and the amount of money allowable for funeral expenses and administration and the list of creditors to the Estate. All of this information was new, unknown to Gladden and within the control of Woodfords, specifically Respondent Rayna Woodford who served as Personal Representative for the Estate.

The Appellate Court wrongly states that Woodfords could have relied on Gladden's facts in submitting this new document with their motion. There is no way that Woodfords could submit this new document without accompanying affidavit and rely on Gladden's facts because Gladden did not know the information prior. Gladden did not have knowledge of such facts until Woodfords served it with their motion. The motion was improper for not having an affidavit.

Woodfords introduced new facts into the record in the bringing of their Motion, purported to rely on those new facts and did not provide affidavits with their Motion.

Gladden specifically addressed Woodfords Motion in her Opposition to Defendants' Motion to Dismiss Amended Complaint or/for Summary Judgment Opposition Papers. As to the issue of standing and a new document being introduced to the court record, Gladden informed the court of Woodfords "surreptitiously including in Woodfords' Motion and *not previously served*

upon Gladden, in the documents marked “Small Estate Notice of Appointment Notice to Creditors Notice to Unknown Heirs” dated July 23, 2021 page 2 of “List of Interested Persons” Plaintiff’s name is listed it states “Miriam Gladden”. In so doing Woodfords clearly admit that Plaintiff is an interested party to Decedent Grace Dixon’s estate and clearly has standing in this lawsuit.” See Opposition Papers pg. 9.

In their Motion, Woodfords contradicted themselves. First they alleged that Gladden did not have standing while simultaneously admitting that Gladden did have standing.

**a. Woodfords Motion was based on a Less Than Truthful, False Assertion**

Woodfords are represented by Attorney Duncan Keir of Elville and Associates, a Maryland licensed attorney with many years of practice experience before Howard County, Maryland Courts. Woodfords did not provide affidavits when they were required and were less than truthful in filing a contradictory motion before this Court.

This is a fiduciary litigation. Truthfulness, veracity and intent are central to the allegations. In the context of this matter, the absence of affidavits is highly questionable.

Woodfords were deceptive about the basis of their motion. Woodfords put new facts in the record while arguing against the facts that they put in the record as the basis for the motion. Woodfords’ Motion alleging Gladden to not have standing while Woodfords introduced a new document evidencing Gladden as having standing, meant that in order to comply with the

rules, Woodfords needed to provide an affidavit stating how Gladden did not have standing based on their personal knowledge. Woodfords could not do so. Woodfords had sworn that Gladden did have standing. See The “List of Interested Persons” listing Gladden as an interested person affirmed under penalties of perjury that the contents of the foregoing list of interested persons are true to the best of their knowledge, information, and belief and signed by Duncan Keir, Attorney and Rayna L. Woodford, Petitioner/Personal Representative; July 23, 2021. See Court Docket.

The rules required that any statements regarding standing and its applicability to Gladden, be addressed in an affidavit signed by Woodfords.

Gladden believes that Woodfords omitted affidavits because Woodfords were acting in bad faith.

*Woodfords did not file affidavits because they could not swear or attest to the basis of their motion.*

*Woodfords’ Motion without affidavits indicated a lack of credibility and dishonesty.*

Gladden brought the questionable behavior of Woodfords to the court’s attention both in her Opposition Papers and at the hearing.

The judge could have required Woodfords to correct the motion, or required them to provide affidavits, or awarded sanctions at that time, the judge did neither. A party who abuses summary judgement procedures or brings a motion in bad faith can be ordered to pay to the other party the amount of reasonable expenses which filing the offending motion caused. Md. R. P. 610(e); Md. R. 1-341.



Gladden was prejudiced.

On motion for summary judgment, the moving party has the burden of proving “the absence of a genuine issue of material fact.” *Carter v. Aramark Sports & Entm’t Servs, Inc.*, 153 Md. App. 210, 224 (2003); Maryland Rule 2-501. The party moving for summary judgment has the burden of establishing that there exists “no genuine dispute as to any material fact.” Maryland Rule 610(a)(1).

Woodfords were required to put forth all evidence for their argument and, as the moving party, Woodfords had the burden of establishing that there were no genuine issues in dispute and that they were entitled to summary judgment by law. Md. R. 610(a)(1). Where there are facts susceptible to more than one inference that inference must be drawn in the light most favorable to the person against whom the motion is made . . . and in the light least favorable to the movant. *See Lipscomb v. Hess*, 255 Md. 109, 118, 257 A. 2d 178, 183 (1969).

It was an error of the court to in Woodford’s favor based on unsubstantiated allegations. How is the court meeting the summary judgment requirement of reviewing the facts and all inferences in the light most favorable to the non-moving party where the court accepts the dishonesty of the moving party?

With an improper Motion, how can the Court reach the conclusion that Woodfords met their burden as the moving party?

Woodfords’ Motion demonstrated the *presence*, not absence, of genuine issues of material fact. And, that Woodfords are not entitled to summary judgment.

In the absence of Woodfords setting forth competent evidence entitling them to summary judgment, how is it incumbent upon the non-moving party, Gladden, to present evidence as will give rise to a triable issue of a material fact?

Gladden had been gathering evidence from the beginning. Further Gladden had 2 affidavits on Record attesting to the facts of the property, Decedent Grace Dixon's health, her relationship with Decedent Grace Dixon, conversations with Decedent Grace Dixon, communication with the caretakers of Decedent Grace Dixon and her inherited interest through her mother Brenda Winckler Gladden, Decedent Grace Dixon's daughter. Note that the Record has more than 14 Exhibits of highly relevant documents provided by Gladden. Gladden addressed the claims of her Amended Complaint and provided further evidence.

Irrespective of this, the issues of discovery are secondary to the fact that the motion itself was improper. Judge McCrone should have required Woodfords to take leave to correct their motion or denied the motion. Judge McCrone proceeding with the improper motion was highly questionable.

**B. Judge McCrone Violated Rules in Treating Gladden, Who Is Pro Se Litigant from Out of State in a Biased and Harsh Manner as Reflected Through Judicial Application of Legal Standards**

At the outset of hearing, the court asked whether Gladden was an attorney. *See* Transcript p.12 Lines 2. Gladden explained that she was not a Maryland attorney, not a litigator, worked in publishing in New

York and appearing Pro Se. *See* Transcript p. 12 Lines 2-10.

In an adversarial proceeding it is the role of the judge to balance between adversaries. Judge McCrone ascertained that Gladden was Pro Se and not a litigator and then proceeded to treat Petitioner in a biased and harsh manner. Judicial temperance would have required Judge McCrone to balance that Gladden is not a Maryland attorney and not a litigator. *See also* National Center for State Courts, Center for Judicial Ethics, May 2019.<sup>1</sup>

Woodfords had not provided affidavits to explain why the newly introduced document was provided along with their Motion predicated on an argument for lack of standing. And, had not clarified what they meant by standing until the hearing. *See* Transcript p. 6 Line 22 Keir:

“That does not create standing. The reason she’s listed as an interested party is because she is named as a beneficiary in the Will.” Not only had Gladden stated that the motion was improper and baseless in her Opposition Papers and at the hearing. By Woodfords not clearly stating what they meant by standing the defective motion was also unclear. Here, the judge should have intervened. Without the required affidavits, it was not clear for what all Woodfords had proffered

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<sup>1</sup> National Center for State Courts, Center for Judicial Ethics reports that the State of Maryland adopted Rule 2.2 of the 2007 American Bar Association Model Code of Judicial Conduct requiring that with respect to self-represented litigants, judges uphold law and apply the law and perform all duties of judicial office fairly and impartially. And, that a judge may make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

the new documents. As Judge McCrone proceeded with the improper, defective motion, Gladden should have been given time to rebut the information that Woodfords first presented at the hearing. Not allowing Gladden to reply to new information during Woodfords summation is substantively unfair. Gladden was prejudiced by this behavior. At the hearing, Gladden attempted to speak further to make sure that the judge had all her documents.

"Gladden: Your Honor, if I may? I have . . . The Court: No ma'am I'm going to have to stop you, okay? He gets the last word because it's his motion. Gladden: "I just wanted to make sure you have the documents

It is understood that there are motion rules regarding the speaking order in the courtroom. However, if the judge was making an exception for Woodfords it only would have been fair, evenhanded and reasonable for the judge to make an exception for Gladden. Not only was Gladden making an effort to address the standing issue, Gladden would have spoken further about the specificity of her claims. Gladden thought that the court was addressing the improper motion first. Gladden was entrapped in proceedings where Gladden could not respond and judge failed to manage proceedings in a fair and even handed manner.

At hearing Gladden asked Judge McCrone, "Would the Court like me to walk through my Amended Complaint?" The Court: "I've walked through it myself." Transcript p. 17.

Because the judge had stated that he read the Amended Complaint and Gladden had gone through the Opposition papers, Gladden believed that she had

effectively covered that which is stated in specificity in her Opposition papers and Pleadings.

The history of prior Wills and Deeds established a pattern that demonstrated Decedent Grace Dixon's intent and history of including Gladden, that the Letter demonstrated the strong familial relationship, and that extreme contrast between the letter and the Will and Deed was evidence. Gladden had received nothing from the Estate not even things of little monetary value and that belonged to Brenda Gladden evidencing a gross contrast and contradiction to the August 26, 2011 Letter written by Decedent Grace Dixon to Gladden. Further Decedent's Letter to Gladden expressing love towards her contemporaneous to the changed Deed and changed Will was evidence of her mental state. The Letter demonstrated loving inclusive attitude of Decedent towards Gladden and the changed documents demonstrated a conflict. As expounded upon in Gladden's Opposition Papers, (See Opposition pgs. 12-15) as to the fraud claims, they were fraud by concealment. Based on the relationship with William Woodford, who is Gladden's cousin and Rayna Woodford as Gladden's aunt there was a fiduciary relationship. Gladden had requested an Accounting as Count 20 and Gladden had requested Discovery. *See* Amended Complaint and Opposition Papers; Gladden's Affidavits.

Further, the judge was legally required to give an abundance of caution to Gladden. With respect to a motion to dismiss or for summary the requirement is *stating* a claim for which relief can be granted Md. R. 2-303 and the *presence* genuine issues in dispute. Md. R. 2-501. With respect to fact-dependent issue, where there is any genuine dispute of material fact, the issue is one for the trier of fact to resolve; summary

judgment is inappropriate.” *Bank of New York v. Sheff*, 382 Md. 235, 244, 854 A.2d 1269 (2004). The court must assume the truth of all well pleaded relevant and material facts as well as all inferences that reasonably can be drawn therefrom. Where inferences which may be drawn from the evidence are in conflict, summary judgment is not proper. *Coffey v. Derby Steel Co.*, 291 Md. 241, 246-47, 434 A. 2d 564 (1981).

At the hearing Gladden stated: “My grandmother, who’s my mother’s mother, passed December 29, 2019. When my mother passed, the Will and the Deed that was in effect was the 1999 Will and Deed that you see in the documents that passes the one-third interest to my brother and I to the estate and the Will of my mother, showing that she did that, is included in the paperwork. That is why I’m asserting that I have standing.” Transcript, Page 15, Lines 5-13. And Gladden drew Judge McCrone’s attention to the Will of Brenda Gladden and Deed of Grace Dixon. *See* Transcript .p. 13 Line 21. “The facts are and the Will was included in the documentation, we inherited that one-third interest prior to any change being made to the Will.” At the hearing and in the Opposition Papers Gladden address in specificity the claims. There was more than an inference regarding the issue of conversion, there was documentary evidence. The Amended Order in no way reflects this.

**C. The Appellate Court Failed to Recognize that Gladden Has a Vested Property Interest and a Review of the Amended Deed is Required**

The June 9, 1999 Deed clearly states Decedent Grace Dixon's intention that the one-third undivided tenancy in common interest of Brenda Dolores Gladden be transferred to her heirs, Gladden, Miriam Gladden, and be held in fee simple. *See* 1999 Deed.

Gladden's mother, Brenda Winckler Gladden died April 16, 2011 and in the Will of Brenda Winckler Gladden, executed March 1, 2004, her one-third undivided tenancy in common interest was passed to Gladden. *See* Will Brenda Winckler Gladden.

The June 2, 2011 Deed states: "Whereas, Grantor's daughter, Brenda Dolores Gladden, late of Washington, D.C., died on April 16, 2011 . . ." *See* 2011 Deed. There is no language divesting the heirs, assigns or personal representatives of Brenda Dolores Gladden, namely Gladden. In fact Decedent Grace Dixon sent Gladden a Letter date August 26, 2011 stating her love of Gladden. *See* Decedent's Letter. Gladden held a vested interest in the property until the questionable changed Deed.

Gladden had an ongoing relationship with Decedent and was a beneficiary both by name and through her mother, Brenda Gladden in all prior Wills and Deeds of Decedent Grace Dixon.

**D. The Appellate Court failed to acknowledge the violative conduct of Judge McCrone**

**1. Judge McCrone Engaged in Ex Parte Communication with Woodfords and violated Gladden's Due Process Rights**

Four (4) and a half months after the issuance of the Order, Woodfords communicated directly with the court. The Clerk's Office wrote a notation entitled "Correspondence Requesting Corrected Order." See Court Docket. Woodfords communicated with the court without noticing Gladden. As evident by the lack of Certificates of Service, No service was made on Gladden in violation of Maryland Rule 1-323; Md. Rule 1-321(a); Md. Rule 20-201(g). At that time Gladden was not enrolled in the electronic filing MDEC system it was incumbent on Woodfords to serve Gladden by mail. Md. Rule 20-201(g). Woodfords are represented by Attorney Duncan S. Keir of Elville and Associates, a Maryland licensed attorney with many years of practice before this Court. It was not a harmless error for the Court to engage in ex parte communication with Woodfords.

Maryland Rule Judicial and Judicial Appointments 18-102.9 states that a judge shall not initiate permit or consider ex parte communication out of the presence of the parties or their attorneys, except when circumstances require and (a) the judge reasonably believes that no party will gain a procedural advantage, substantive or tactical advantage as a result of the ex parte communication, and (b) the judge makes provision promptly to notify all other parties of the substance of



the ex parte communication, and gives the parties an opportunity to respond. *See also* Maryland Code of Judicial Conduct Rule 2.9 Ex Parte Communication and C-102. Judges are required to be independent, fair, impartial and avoid impropriety. *See* Maryland Code of Judicial Conduct C-101; C-102.

The court, Clerk's Office violated the Maryland Rules in accepting Woodfords filing-entitled "Correspondence Requesting Corrected Order" without an accompanying certificate of service on Gladden. The Clerk's Office was required to refuse the Communication from Woodfords, and issue a deficiency entry as to the noncompliant filing. *Lovero v. Da Silva*, 200 Md. App. 433, 453 (2011); Md. Rule 20-203.; Md. Rule 1-323. Maryland Rule 18-102.9(d) states that a judge shall make reasonable efforts, including providing appropriate supervision, to ensure that Rule 102 is not violated by court staff, court officials and others subject to the judge's direction and control. Judge McCrone wrongly, illegally, permitted the ex parte communication and did not require notice to Gladden. Further Rule 18-102.9(b) clearly states that if a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provisions promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond. Judge McCrone further violated Maryland law by not notifying Gladden.

This was not harmless error because it gave a procedural, substantive and tactical advantage to Woodfords and thereby prejudiced Gladden. Further the ex parte communication lead to the Judge taking an action which affected the outcome of the case.

Here granting the Writ would allow the Court to affirm the Maryland Rules and clarify the impropriety that ex parte communication creates.

**2. Judge McCrone Treating Ex Parte Communication with Woodfords, Communication from Woodfords titled “Correspondence Requesting Corrected Order” on the Court Docket as a Motion Further Violated Gladden’s Due Process Rights**

Woodfords’ Motion was filed and accepted by the court in violation of the Court’s rules. As Appellate Decision states the Court treated line—“Correspondence Requesting Corrected Order” as a motion.

Maryland Rule 8-202(f) and 3-534 allows for a 10 day period after the time of entry of an Order for a party to motion for a corrected order. Maryland Rule 8-202(f) and 8-202(a) allows for a 30 day period after the time of entry of an Order for a party to file a notice of appeal. Woodfords did not file a motion for a corrected order within the time frame required of Maryland law—10 days from the time of entry. The Woodfords waived this right as of October 1. *See* Maryland Rule 8-202(f) and 3-534. The Woodfords did not file for an appeal within the time period required of Maryland law—30 days from the time of entry, waiving this right as of October 22. *See* Maryland Rule 8-202(f) and 8-202(a).

Treating Woodfords Communication as a Motion 4 and a half months after the tolling of the statute of limitations is Plain Error for the judge to make a substantive change beyond the statutory time frame in violation of the rules. Md. R. 8-202(a), 8-202(f), 3-534.

It prejudiced Gladden and substantially affected the fairness and integrity of the proceedings and the outcome of the case.

**3. Judge McCrone Issuing Amended Order 2 Days After Receiving Woodford's "Correspondence Requesting Corrected Order" Further Violated Gladden's Fundamental Rights in that Gladden Did Not Receive Notice, and the Order was Changed Within 2 Days Prevented Gladden Any Opportunity to be Heard in Violation of Due Process Rights**

Judge McCrone signed Woodfords proposed amended order 2 days after line- "Correspondence for Correct Order" was filed with Court. This only allowed 2 days, at most, for Gladden to respond. As stated by the Appellate Court, the court treated the line as a motion. Pursuant to Rule 2-311(b) Gladden was to be given 15 days to respond to a motion.

Judge prevented Gladden from being heard. Denying Gladden the opportunity to be heard is an abuse of discretion judge's bias and lack of impartiality. This is Plain Error that smacks in the face of any semblance of justice.

The judge abused his power by doing so in violation of Maryland law.

**4. Substantive Changes in Amended Order Which Was Issued After the Statute of Limitations Had Tolled and Upon Ex Parte Communication of Woodfords Was an Even Further Violation of Gladden's Due Process Rights**

The September 20, 2021 Order dated states Plaintiff's Motion for Summary Judgment, and any Opposition thereto, having been read, or heard, and considered, it is this 09/20/2021, by the Circuit Court for Howard County, ORDERD, that Plaintiff's Motion for Summary Judgment, is hereby GRANTED, with prejudice.

*See* Circuit Court Order at App.29a.

It clearly states that Gladden won the case.

Gladden understood that Rule 610(d)(1) gives the court discretion to find judgment for the opposing party even though she has not filed a cross-motion for summary judgment. Md. R. 610.

The January 20, 2022 Amended Order states:

Defendants' Motion to Dismiss Amended Complaint or for Summary Judgment, and Plaintiff's Opposition thereto, having been heard, and considered, it is this 01/20/2022, by the Circuit Court of Howard County,

ORDERED, that Defendants' Motion to Dismiss Amended Complaint or for Summary Judgment is hereby is GRANTED, and this matter is hereby dismissed with prejudice.

See Circuit Court Amended Order at App.27a.

The Amended Order is changed to state that Woodfords won the case, not Gladden.

Woodfords' ex parte communication had resulted in a substantively different ruling. There was no written decision and no statement on the record as to the judge's reasoning. Judge operating with unfettered discretion. Issued some four (4) and a half months later, and upon ex parte communication what document, if any did the judge refer to?

The Court should grant this Writ so as to clarify the significance of statutes of limitations and the importance of not granting any party a clear advantage over the other.

**5. The Appellate Court Wrongly Dismisses the Judicial Malfeasance of Judge Mccrone When Judge McCrone's Violations Affected the Outcome of the Case.**

*The effect of amending the Order 4 and a half months after its issuance, in violation of Maryland law, was to grant Woodfords a win when in fact the motion should have been declared null and void as improper.*

Gladden put forth evidence demonstrating both standing and her vested interest in the Estate of Grace Dixon which demonstrate her winning the motion. However, the motion should not have been allowed to proceed. As discussed above, the motion was improper because Woodfords failed to provide affidavits. Woodfords motion was improper in that it lacked affidavits, an improper motion must fail or

Judge McCrone should have required Woodfords to take leave to amend and/or refile the motion. Judge McCrone proceeded with the Motion which Gladden prevailed by arguing that the Motion was improper and providing documentation showing her ownership interest in the real property of Decedent Grace Dixon at 10481 Waterfowl Terrace, Columbia Maryland 21044.

Woodfords' Motion included documents *not previously served* upon Gladden, in the documents marked "Small Estate Notice of Appointment Notice to Creditors Notice to Unknown Heirs" dated July 23, 2021. The Appellate Court wrongly states that Woodfords could have relied on Gladden's papers in bringing the motion. Gladden's papers did not include any documents related to Decedent Grace Dixon's Estate size and whether or not there were creditors or exactly who were the heirs. Woodfords, specifically Rayna Woodford was the Personal Representative and all information regarding the creditors and value of the Estate and names of heirs was in her control. The submission of this new document required an affidavit.

In that Woodfords motion was improper there can be no legitimate Amended Order claiming that Woodfords won.

Any amendment to the original Order stating that Woodfords "won" is logically and legally incorrect. And such is only the result of the ex parte communication between Woodfords and Judge McCrone.

For this reason, the motion cannot simply be reversed. The statutory time limit to appeal the motion had tolled.

Further the Order granted Gladden a win of summary judgement. The Amended Order grants Woodfords

a win and a dismissal. The Amended Order on its face reflects a substantive change. Summary judgment and dismissal are not the same thing.

Granting Woodfords this win after ex parte communication with Woodfords while excluding Gladden is clear evidence of collusion and corruption.

Judge McCrone issued the Amended Order in less than 2 days preventing Gladden any further objection to the improper motion. This meant that Judge did not schedule a hearing and then allow Gladden to speak further to evidence and findings or make a motion or a motion for discovery and took away any other action rightfully allowed upon a scheduled hearing.

#### **6. The Maryland Appellate Court Failed to Address the Resulting Impact of the Gross Misconduct of Woodfords and Judge McCrone**

If it were simply a clerical change then why are Woodfords and Judge McCrone engaged in ex parte communication? Why change the Order while excluding the Plaintiff, Gladden, and doing so without holding a hearing? The conduct alone of Judge McCrone and Woodfords indicate that the change is not clerical but indeed substantive. And, further reading of the documents confirms so.

**a. The Appellate Court Wrongly States That Gladden Waived Any Rights to Further Discovery and Wrongly Stated That They Did Not Perceive that Gladden Had Anything Further to State**

Gladden had not waived anything. Gladden was and is actively trying to get justice. Judge McCrone amending the Order without scheduling a hearing while treating it as a motion is grossly wrong. Had a hearing been scheduled prior issuing the Amended Order where Gladden was notified and allowed to attend, Gladden would have had all the rights of any litigant at a hearing, including presenting further evidence, making discovery motions, and advocating her position. Gladden was denied, excluded and prevented from participation in the outcome of the case.

**b. The Order and the Amended Order are Substantively Different**

Comparing the Amended Order and the Order. When Judge McCrone issued the Order stating that Gladden won the Motion for Summary Judgement that was correct and the only possible conclusion The initial Order states that Gladden won *summary judgment*. The Amended Order states that Woodfords won and that the case is dismissed. Judge McCrone did not provide any rationale for the Order on the record and there was no written decision. Summary judgment and dismissal are not the same. As stated above, summary judgment means that the matter is concluded and resolved in favor of one party because there are no issues in dispute. A motion to dismiss is



only appropriate where there are no causes of action stated. Over 4 and a half months later, with no written decision and upon the ex parte communication of Woodfords the substance of the Amended Order has changed--not just the determination of who won but also the statement as to what was won.

Thus, the effect of Judge McCrone's violations was eliminating any fair hearing on the merits and wrongfully dismissing the action.

**c. Due Process Is Rooted in an Unbiased Neutral Judge Who Maintains Integrity in Court Proceedings**

The importance of a neutral factfinder is so essential to Due process that as stated Justice Kennedy stated in *Williams v. Pennsylvania*, "No man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome." *Williams v. Pennsylvania*, 579 U.S. (2016). The Williams case addressed the situation where the judge had significant person involvement with the defendant in his prior employment and needed to recuse himself. The statement of Justice Kennedy is clear—that even the appearance of partiality requires a remedy for the violation. Further, disqualification of a judge is appropriate when he should have known that the situation created an appearance of impropriety. *Liljeberg v. Health Svcs. Acq. Corp.*, 486 U.S. 847 (1988).

Judge McCrone's violations of law demonstrates a highly prejudicial behavior.

Judge McCrone so devalued the Plaintiff, Gladden, by excluding Gladden and amending an order that should not have been amended, that the bias and

prejudicial weight against Gladden throughout the court proceedings cannot be denied.

There is no way the Amended Order be deemed to reflect a just result.

In a matter that involves fiduciary duties, a Maryland State General Durable Power of Attorney, undue influence and fraud, the Woodfords engaged in ex parte communication, circumventing the rules of the Clerk's Office so that a deficiency notice not be issued when the communication fails to notify the opposing party, Gladden, and getting an Amended Order issued outside of the statutory time frame that provides them a win on a motion improperly brought without affidavits.

#### **d. Collusion and Corruption**

Collusion is a secret agreement or illegal cooperation between two or parties to deceive or cheat someone. *See* WEBSTER'S DICTIONARY. Ex-Parte communication is communication from one side only with other party absent. Ex-parte communication between judges and litigants is strictly prohibited because it indicates collusion. *See* American Bar Association. The conduct of Judge McCrone and Woodfords is undoubtedly collusion. The Appellate Court wrongly dismisses this violative behavior by stating that the judge could have changed the Order on his own. Here, the facts show the involvement of Woodfords in getting that change. If this were a clerical change as the Appellate Court dismisses it, then why is it ex parte. If the matter is so clear and simple as fixing clerical errors why did Judge McCrone not schedule a hearing to do so in the presence of all parties? Why risk the impropriety?

The level of impropriety and injustice cannot be ignored. Gladden will not speculate as to the collusion of Woodfords and Judge McCrone, except to state that which is publicly known and obvious.

Ellicott City, Maryland, where the Howard County Circuit Court sits is a small hamlet in Maryland.<sup>2</sup> Judge McCrone and the Woodfords are within a few miles of each other. Further, one of the Respondents, Defendant Rayna Woodford, was the music teacher at Glenelg Country School, a private school in Ellicott City, Maryland that parents in the area actively seek for their children to attend. And, secondly, this case involves a large sum of money.

As to the collusion between the Howard County Clerk's Office, Judge McCrone and the attorney for the Woodfords, Duncan S. Keir, Esq. Again, Gladden will only state that which is publicly known and obvious. Duncan S. Keir, Esq. is a well-known, attorney with many years experience and regularly appears in the Maryland courts and specifically the Howard County Circuit Court.

Corruption is dishonest or fraudulent conduct by those in power, typically involving bribery. Corruption is a form of dishonesty undertaken by a person entrusted with a position of authority to acquire illicit benefit or abuse power for one's private gain. See Webster's Dictionary. Corruption is the willingness to act dishonestly in return for personal gain. *Id.* Corruption is the byproduct of collusion. Corruption is the antithesis of justice. It is for this reason judges must restrain from collusion and any action or

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<sup>2</sup> Wikipedia

inference that may remove transparency and confidence in court proceedings. *See American Bar Association.*

Collusion and corruption cannot be deemed harmless error.

If the Appellate Court of Maryland considers judicial misconduct, ex parte communication and outright corruption harmless error, then the Appellate Court is stating that the State of Maryland has no standards for its cases.

Judge McCrone and the Woodfords engaged in collusion for personal gain and in so doing corrupted this case.

Woodfords' did not file an Answer. Woodfords' behavior before the court is their testimony.

#### **7. The Multiple Judicial Transgressions During Court Proceedings Warrants a Vacatur of the Ruling**

Judge McCrone treated a litigant, Gladden, in a demonstrably hostile and egregious manner.

There are more than four serious violations throughout this court proceeding. And the errors are clear violations of Maryland law. Further the errors are of a consistent pattern of excluding Gladden from meaningful opportunities to be heard.

An error is deemed "harmless" when a reviewing court can declare a belief beyond a reasonable doubt that it in no way affected the outcome of the case. *Dorsey v. State*, 276 Md 638, 659 (1976). Structural errors are not harmless. The Supreme Court for the State of Maryland have found structural errors where a judge lacked impartiality. Structural errors have an

“unquantifiable . . . effect on the framework of a.” *State v. Jordan*, 480 Md 490, 507 (2022). An error is not “harmless” where litigant was prejudiced. There must be no reasonable possibility that the error contributed to the outcome of the case. *Dorsey v. State*, 276 Md 638, 659 (1976). Plain errors require reversal.

Due process requires that procedures by which laws are applied be evenhanded and uniformly so that litigants are not subjected to the arbitrary exercise of judges—an abuse of power.

#### **a. Judge McCrone Abused His Discretion**

A judge abuses its discretion when his decision reflects bias and impartiality; *In re Adoption/ Guardianship of Ta’Ny ia C.*, 417 Md. 90 (2010).

Judge Timothy McCrone’s dismissal of procedural rules reflected an oppressive fixation and punitive approach to Gladden.

The judicial misconduct and violations seriously affected the fairness, integrity and outcome of the judicial proceeding. The result of the proceeding was fundamentally unfair and unreliable.

#### **b. Gladden Denied Fundamental Rights Due Process Rights**

Gladden has been severely harmed. Gladden has been denied her real property interest in the home of Decedent Grace Dixon, her equally divided interest in the Howard County Teacher’s Association Credit Union fund, items bequeathed and belonging to Brenda Winckler Gladden, personal effects and personal jewelry

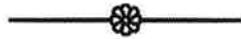
of Decedent Grace Dixon, the value of which is upwards of \$300,000.00.

The Appellate Court erred in not granting a remand and new hearing. As a result of the many documented errors there is no way that the judicial courts of Maryland can say that they operated with integrity or that justice was served. The proceedings failed to provide trust and confidence in the system.

The Amended Order is logically incorrect, legally incorrect and reflecting judicial misconduct.

The Amended Order is a corrupted ruling.

The Amended Order should be vacated.



### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Miriam Gladden  
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November 30, 2023







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**ORDER, SUPREME COURT OF MARYLAND  
(JUNE 20, 2023)**

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E-Filed  
Gregory Hilton, Clerk  
Supreme Court of Maryland  
06/20/2023 12:16 PM

IN THE SUPREME COURT OF MARYLAND

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MIRIAM GLADDEN

v.

RAYNA WOODFORD, ET AL.,

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Petition Docket No. 45  
September Term, 2023

(No. 1982, Sept. Term, 2021  
Appellate Court of Maryland)

(No. C-13 -CV-21-000064  
Circuit Court for Howard County)

Before: Matthew J. FADER,  
Chief Justice.

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**ORDER**

Upon consideration of the petition for a writ of certiorari to the Appellate Court of Maryland, it is this 20th day of June 2023, by the Supreme Court of Maryland,

App.2a

ORDERED that the petition for writ of certiorari is DENIED as there has been no showing that review by certiorari is desirable and in the public interest.



/s/ Matthew J. Fader  
Chief Justice

**OPINION, COURT OF SPECIAL APPEALS  
OF MARYLAND  
(JANUARY 24, 2023)**

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COURT OF SPECIAL APPEALS OF MARYLAND

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MIRIAM GLADDEN

v.

RAYNA WOODFORD, ET AL.

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No. 1982-2021

Circuit Court for Howard County  
Case No. C-13-CV-21-000064

Before: SHAW, ALBRIGHT, ZARNOCH, Robert A.  
(Senior Judge, Specially Assigned), JJ.

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ALBRIGHT, J.

Miriam Gladden, Appellant, filed suit against Rayna Woodford and William Woodford, Appellees, in the Circuit Court for Howard County. Among other things, Ms. Gladden alleged that the Woodfords exercised undue influence over Grace Dixon, causing Ms. Dixon to convey real property to deprive Ms. Gladden of an expected interest in that property, and to amend her will to effectively deprive Ms. Gladden of an expected inheritance.<sup>1</sup> Ms. Gladden also filed an

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<sup>1</sup> The parties and Grace Dixon are related. Miriam Gladden is Rayna Woodford's niece, and William Woodford is Rayna

amended complaint, restating her claim for undue influence and adding 19 other claims, all of which related to the disposition of Ms. Dixon's property, Ms. Dixon's will, or Ms. Woodford's exercise of responsibilities as to Ms. Dixon or Ms. Dixon's estate. The Woodfords moved to dismiss the amended complaint, or in the alternative for summary judgment. Ms. Gladden opposed that motion, but did not file an affirmative motion for summary judgment.

After a hearing, the circuit court appeared to grant the pending motion for summary judgment, but it entered a summary order granting "Plaintiff's Motion for Summary Judgment[.]" The Woodfords then electronically filed a line. In it, they requested that the circuit court's order be corrected to grant the Woodfords' motion for summary judgment and noted that Ms. Gladden had not filed her own motion for summary judgment. Ms. Gladden, who was proceeding *pro se*, was not served with a copy of the line.

In response to the Woodfords' line, the circuit court entered an amended order granting the Woodford's motion for summary judgment. Ms. Gladden then noted a timely appeal from the amended order, asking us to consider 11 questions, which we consolidate into two:

1. Did the circuit court err in granting summary judgment in favor of the Woodfords?

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Woodford's son. Ms. Dixon was the grandmother of Ms. Gladden and Mr. Woodford, and the mother of Ms. Woodford.

App.5a

2. Did the circuit court err in amending its order to grant summary judgment in favor of the Woodfords?<sup>2</sup>

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<sup>2</sup> In full, Ms. Gladden's questions were as follows:

1. Did the lower court abuse its discretion [sic] when it granted summary judgment to Appellant/Plaintiff and then reversed such judgment more than 4 months later after Appellees/Defendants had waived their statutory right to corrected motion and appeal?
2. Did the lower court abuse its discretion [sic] when it engaged in ex parte communication with Appellees/Defendants before reversing the Order granting summary judgment to Appellant/Plaintiff?
3. Did the lower court abuse its discretion [sic] when it reversed its Order granting Plaintiff Summary Judgment without providing notice to Appellant/Plaintiff?
4. The lower court abuse its discretion [sic] when it reversed its Order granting Appellant/Plaintiff Summary Judgment and issued an Amended Order granting Appellees/Defendants Summary Judgment without due consideration of Plaintiffs correspondence sent to the Court?
5. Did the lower court abuse its discretion [sic] when it reversed its Order granting Appellant/Plaintiff Summary Judgment and issued an Amended Order granting Appellees/Defendants Summary Judgment on the basis of Defendant's letter docketed January 18, 2022 where Defendant did not serve the document onto Plaintiff?
6. Did the lower court abuse its discretion [sic] when it committed judicial error in making a substantive change in the Amended Order, essentially who won the case?
7. Did the lower court abuse its discretion [sic] when it proceeded with Defendants/Appellees motion to dismiss or for summary judgment when the motion

## App.6a

For the reasons below, we conclude that the circuit court did not err in granting summary judgment in favor of the Woodfords. Although the circuit court erred in accepting for filing the Woodfords' line without an accompanying certificate of service (or in failing to issue a notice of deficiency as to that line), and in failing to give Ms. Gladden sufficient time to respond before amending its order, those errors were harmless here. As such, we further conclude that the circuit court did not err in amending its order. We will affirm the judgment of the circuit court.

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for summary judgment was defective on its face for not having any supporting affidavits?

8. Did the lower court abuse its discretion [sic] when it issued an Amended Order granting Summary Judgment to Appellees/Defendants when Appellees were less than truthful with the court as to Appellant/Plaintiff's standing with the court?
9. Did the lower court abuse its discretion [sic] when it rendered an Amended Order without the court articulating its reasoning in reversing Appellant/Plaintiff's grant of summary judgment?
10. Did the lower court abuse its discretion [sic] when it reversed its initial Order and issued an Amended Order granting summary judgment to Appellees/Defendants when Appellant/Plaintiff raised at least 30 issues of material fact in dispute?
11. Did the lower court abuse its discretion [sic] when it reversed its Order granting Summary Judgment to Appellant/Plaintiff and granting Summary Judgment to Appellees/Defendants treating the case in a manner that was arbitrary and capricious?

## **BACKGROUND**

### **I. Ms. Dixon's Wills and Conveyances of Real Property**

Except where otherwise noted, we summarize the following background information from Ms. Gladden's complaints and the exhibits thereto.

In 1994, Ms. Dixon executed a will leaving real property in Columbia, Maryland (the "Columbia Property") equally to her children, including Ms. Gladden's mother and Ms. Woodford, as tenants in common.<sup>3</sup> The 1994 will named Ms. Gladden's mother as personal representative and listed specific items of personal property to be left to various beneficiaries. If Ms. Gladden's mother predeceased Ms. Dixon (or was otherwise unable or unwilling to serve as personal representative), the 1994 will named Ms. Woodford as the backup personal representative.

In 1999, Ms. Dixon deeded the Columbia Property to her children in equal shares, but reserved for herself a life estate in the property, as well as the power to divest her children of their interests by conveying the property and retaining any proceeds.<sup>4</sup>

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<sup>3</sup> Ms. Dixon also had a third child who was named in the 1994 will. That child was not a party to the circuit court proceedings.

<sup>4</sup> More specifically, Ms. Dixon deeded the Columbia Property in fee simple to her three children as tenants in common (in equal shares), and retained for herself a life estate in the property and the power to divest her children's interests by selling, conveying, or otherwise disposing of the property and retaining any proceeds. Ms. Dixon expressly did not, however, reserve the power to divest her children of their interests by devising the property.



Shortly after Ms. Gladden's mother died in April 2011, however, Ms. Dixon exercised her power to divest her children's interests by conveying the Columbia Property solely to Ms. Woodford. In so doing, Ms. Dixon again retained a life estate and the same powers to divest Ms. Woodford of her future interest.

Several weeks later, in July 2011, Ms. Dixon executed another will that left much of Ms. Dixon's estate to Ms. Woodford. The 2011 will did not include any specific bequests or devises to Ms. Gladden. It did, however, leave the remainder of Ms. Dixon's "personal and household objects[,] that were not otherwise specifically bequeathed, to Ms. Dixon's grandchildren (including Ms. Gladden).<sup>5</sup> No particular grandchildren were named in the will, and Ms. Woodford was given complete discretion to determine how Ms. Dixon's remaining possessions would be distributed among the grandchildren.

Years later, in 2018, Ms. Woodford acted on Ms. Dixon's behalf to convey the Columbia Property yet again, this time to Mr. Woodford for \$275,000.<sup>6</sup> As a result, Ms. Woodford was divested of her interest in the Columbia Property, in favor of Mr. Woodford. Ms. Dixon died one year later, in December 2019.

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<sup>5</sup> The will also included specific bequests to Ms. Dixon's third child.

<sup>6</sup> Ms. Woodford did so as Ms. Dixon's attorney-in-fact, pursuant to a durable power of attorney that had existed since 2015. According to Ms. Woodford, the proceeds from that conveyance were used to offset the costs of an assisted living facility for Ms. Dixon.

## II. Circuit Court Proceedings

Two years after Ms. Dixon's death, Ms. Gladden filed suit against the Woodfords, alleging that she had not received items bequeathed to her pursuant to Ms. Dixon's 1994 will, and that Ms. Woodford had influenced and deceived Ms. Dixon to obtain a greater share of Ms. Dixon's estate and the Columbia Property.<sup>7</sup>

The Woodfords moved to dismiss, asserting that Ms. Gladden's bare allegations were insufficient to allow her claims to proceed, and particularly, that there were no specific factual allegations to support that the Woodfords acted to deprive Ms. Gladden of a legitimate inheritance. The Woodfords also asserted that Ms. Dixon had reserved the right to convey the Columbia Property as she saw fit during her life, and that she simply exercised that power in conveying the Columbia Property to Ms. Woodford (and later to Mr. Woodford, through Ms. Woodford as Ms. Dixon's attorney-in-fact). The Woodfords also pointed out that Ms. Dixon's estate had been opened in Howard County, that Ms. Woodford had been appointed as personal representative, and that Ms. Dixon's 2011 will had been filed with the Office of the Register of Wills for Howard County. Because the 2011 will superseded the 1994 will and did not specifically bequeath or devise any property to Ms. Gladden, the Woodfords argued that any potential cause of action

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<sup>7</sup> In her original complaint, Ms. Gladden included two counts: (1) undue influence by Ms. Woodford in causing Ms. Dixon to amend her will and deed the Columbia Property to Ms. Woodford; and (2) "selfdealing" in Ms. Woodford's acquisition of Ms. Dixon's property generally, including the Columbia Property.

that Ms. Gladden might have had under the 1994 will no longer existed.

At a hearing in May 2021, the circuit court determined that Ms. Gladden had alleged “insufficient” facts in her original complaint to support her claims of undue influence. The circuit court thus granted the Woodfords’ motion to dismiss, but it permitted Ms. Gladden time to amend her complaint.<sup>8</sup>

Two months later, Ms. Gladden filed an amended 20-count complaint, again alleging that Ms. Woodford unduly influenced Ms. Dixon. In that amended complaint, Ms. Gladden also added several related counts, including breach of fiduciary duties, conversion, fraudulent transfer, constructive fraud, tortious interference with expectancy of inheritance, unjust enrichment, and accounting.

The Woodfords again moved to dismiss and in the alternative for summary judgment. They argued that, despite penning a “kitchen sink” of causes of action in her amended complaint, Ms. Gladden had relied upon essentially the same unspecific, “conjectural, and bald allegations” as she had in her original complaint. Because the amended complaint added no factual allegations to support Ms. Gladden’s claims, the Woodfords contended that the amended complaint was based simply upon Ms. Gladden’s disappointment that Ms. Dixon had changed her will and deeded the Columbia Property (without Ms. Gladden’s

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<sup>8</sup> The circuit court also held that there was no valid cause of action in Maryland for “self-dealing” during the administration of a decedent’s estate. Thus, the circuit court dismissed that claim with prejudice. Ms. Gladden does not challenge that dismissal on appeal, and we do not address it.

knowledge) to Ms. Woodford, and then later to Mr. Woodford.<sup>9</sup>

The circuit court held another hearing to assess the Woodfords' motion as to Ms. Gladden's amended complaint. At that hearing, the Woodfords requested that their motion be treated as a motion for the summary judgment, and the circuit court indicated that it would do so. Ms. Gladden then restated the factual allegations in her amended complaint, summarizing her argument by stating that, "I had a very loving and close relationship with my grandmother, my whole life and I was always included . . . along with my mother and brother, we are standing here now with not a single thing," which, to her, was an inexplicable departure from Ms. Dixon's 1994 will and 1999 deed of the Columbia Property. The issue of Ms. Woodford's undue influence, Ms. Gladden concluded, was "going to require discovery[.]" particularly because Ms. Dixon allegedly "had health issues" that, Ms. Gladden suggested, might have impacted Ms. Dixon's decision-making.

At the conclusion of the hearing, the circuit court took the matter under advisement. And a few days later, it issued a one-page order granting summary judgment, without further explanation of its reasons. That order stated that the circuit court had considered and granted "Plaintiff's" motion for summary judgment,

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<sup>9</sup> The Woodfords also argued that the counts in Ms. Gladden's amended complaint failed because they were brought after the applicable three-year statute of limitations had run. On appeal, the parties do not mention the statute of limitations argument, and we do not address it.

thus seemingly referring to a motion for summary judgment that Ms. Gladden had not filed.

About four months after that original order was entered, the Woodfords electronically filed a “line” with the circuit court, requesting that the circuit court correct its original order to indicate that the Woodfords (as the only parties who had filed a summary judgment motion) had been granted summary judgment-not Ms. Gladden.

This line did not contain a certificate indicating it had been served upon Ms. Gladden, who was proceeding *pro se*.<sup>10</sup> The circuit court then issued an amended order clarifying that the Woodfords’ motion to dismiss or for summary judgment was granted.<sup>11</sup>

Shortly after the circuit court’s amended order was filed, Ms. Gladden mailed two letters to the circuit court (which were then filed on the docket),

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<sup>10</sup> In Maryland, *pro se* litigants are not required to use the Maryland Electronic Courts (“MDEC”) online filing system unless they are registered users of the system and their case has been added to the system. *See* Md. Rule 20-106(a)(3). In contrast, attorneys who have entered appearances in MDEC cases must use the MDEC system as to those cases. *See* Md. Rule 20-106(a)(1). Ms. Gladden’s lawsuit is included on MDEC, but it appears from the record that Ms. Gladden was not a registered MDEC user. As such, she was not required to use the MDEC system, and Ms. Gladden would not necessarily have been aware of any documents that were filed electronically on MDEC, unless those documents were separately served upon her.

<sup>11</sup> The circuit court did so by signing the proposed amended order attached to the Woodfords’ line, and then by entering that order as a separate item on the docket. In granting summary judgment in favor of the Woodfords, the circuit court also stated that Ms. Gladden’s lawsuit was “hereby dismissed with prejudice.”

explaining that she had not been served with the Woodfords' line and alleging that the line constituted an improper and *ex parte* communication between the court and the defendants in an "effort[] to overturn the [circuit court's] ruling made over 4 and a half months ago." Through that correspondence, Ms. Gladden also reiterated her prior arguments against summary judgment, and raised several additional issues and allegations, including that the Woodfords had threatened her with litigation, had attempted to "overturn the [circuit court's] legitimate award" in Ms. Gladden's favor, and had waived their right to contest the circuit court's original order by seeking correction over four months after the original order was issued. The circuit court noted that Ms. Gladden's letters were received, but further indicated that it would take no action in response. Ms. Gladden then filed this timely appeal. We will supply additional facts as needed in our discussion.

### STANDARD OF REVIEW

Summary judgment is available when "there is no genuine dispute as to any material fact and [a] party is entitled to judgment as a matter of law." Md. Rule 2-501(f). We review a grant of summary judgment de novo. *Webb v. Giant of Maryland, LLC*, 477 Md. 121, 348 (2021). In so doing, we must "evaluate the record in the light most favorable to the non-moving party and construe any reasonable inferences that may be drawn from the well-plead facts against the moving party." *Schneider Elec. Bldgs. Critical Sys. v.*

*W. Sur. Co.*, 454 Md. 698, 705 (2017) (quotations omitted).<sup>12</sup>

Separately, “[a]n order granting a motion to alter or amend judgment is ordinarily reviewed under the abuse of discretion standard.” *Prince George’s Cnty. v. Hartley*, 150 Md.App. 581, 586 (2003). When a court does not state its reasons for amending a judgment, however, our review is *de novo*. *Cf. Briscoe v. Mayor and City Council of Baltimore*, 100 Md.App. 124, 128 (1994) (“The court did not state its reasons . . . [t]hus, we should affirm the judgment if our review of the record discloses that the court was legally correct.”).

## DISCUSSION

### **I. The Circuit Court Did Not Err in Granting Summary Judgment in Favor of the Woodfords**

Ms. Gladden argues the circuit court erred in granting summary judgment in favor of the Woodfords.<sup>13</sup> She asserts that discovery was needed

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<sup>12</sup> In the Woodfords’ brief on appeal, they include only the standard of review for granting a motion to dismiss. At the hearing before the circuit court on their motion, however, the Woodfords explained that they were seeking summary judgment, not dismissal. The circuit court also appears to have looked to record material outside of Ms. Gladden’s complaint in reaching its decision. As such, we interpret the circuit court’s amended order as granting summary judgment in favor of the Woodfords, and we will apply the standards of review for summary judgment.

<sup>13</sup> Ms. Gladden, who proceeds *pro se* on appeal, largely focuses her argument on the circuit court’s purported error in amending its original order. We perceive, however, that Ms. Gladden’s argument is broader: it encompasses not just the circuit court’s

as to her claims, and that the Woodfords' motion for summary judgment was defective because it was not supported by an affidavit. Ms. Gladden also contends that the grant of summary judgment was error because she pointed to sufficient facts in the record to generate a genuine dispute of material fact. In response, the Woodfords assert that their motion for summary judgment was supported by facts in the record so no affidavit was required, and that Ms. Gladden failed to point to any material facts that were in genuine dispute. Specifically, the Woodfords contend that the record shows that, in 2011, Ms. Dixon made a new will and exercised her reserved rights as to the Columbia Property, deeding that property as she saw fit. The Woodfords also emphasize that Ms. Gladden was unable to point to anything in the record to suggest that the Woodfords unduly influenced Ms. Dixon or committed any violation of their legal duties that would give rise to a cause of action by Ms. Gladden.

Ms. Gladden's first argument concerns her need for future discovery. Generally, in opposing a motion for summary judgment, the non-moving party must "identify with particularity each material fact as to which . . . there is a genuine dispute" and point to "the

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decision to amend its original order, but also the circuit court's underlying decision to grant summary judgment in favor of the Woodfords. We also note that Ms. Gladden may have declined to appeal the circuit court's original order because she believed (in reliance upon the original order's language) that she had prevailed. Accordingly, we will construe Ms. Gladden's appeal broadly and address the circuit court's grant of summary judgment as well. *Cf. Mitchell v. Yacko*, 232 Md.App. 624, 643 n.12 (2017) ("[W]e generally liberally construe pleadings filed by *pro se* litigants[.]" (cleaned up)).