

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Kristine-Lee Hardwick-Lewis v. Brock & Scott, PLLC, et al.

Hardwick-Lewis · No. 8:25-cv-01578-LKG · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Maryland granted Harvey West Auctioneers’ Rule 12(b)(6) motion to dismiss claims arising from a foreclosure sale. The court held that the amended complaint did not plausibly allege that Harvey West, a private auctioneer, acted under color of state law for purposes of 42 U.S.C. § 1983. The court also dismissed the remaining claims against Harvey West because the complaint did not sufficiently allege that its participation in the court-authorized foreclosure sale was unlawful or deprived the plaintiff of property rights.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Maryland                                                                                                                                                                                          |
| WRITING FOR THE COURT | Lydia Kay Griggsby                                                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the District of Maryland                                                                                                                                                                                          |
| DECIDED               | December 17, 2025                                                                                                                                                                                                                                  |
| DOCKET                | 8:25-cv-01578-LKG                                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Defendant Harvey West Auctioneers moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims asserted against it in Plaintiff's amended complaint. The court granted the motion and dismissed all claims against Harvey West.      |
| STANDARD OF REVIEW    | On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff's favor, but disregards legal conclusions and requires sufficient factual content to state a plausible claim for relief. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                        |
| PARTIES               | Kristine-Lee Hardwick-Lewis v. Brock & Scott, PLLC, John A. Ansell III, Brennan Ferguson, John C. Hanrahan, Unknown Agents of Brock & Scott, Wanda Jean Dixon, Maria C. Scott, Creatus Adult Assisted Living, Harvey West Auctioneers              |

TOPICS

motions to dismiss

section 1983

foreclosure

due process

civil procedure

## PRACTICE AREAS

civil procedure

constitutional law

civil rights

real estate

## QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that Harvey West Auctioneers was a state actor or acted under color of state law for purposes of 42 U.S.C. § 1983.
2. Whether the amended complaint stated any plausible non-Section 1983 claim against Harvey West based on its participation in the court-ordered foreclosure sale.

## HOLDINGS

1. The amended complaint failed to state a plausible Section 1983 claim because it alleged no facts showing that Harvey West was a state actor or acted under color of state law.
2. The amended complaint failed to state plausible non-Section 1983 claims against Harvey West because it did not allege facts showing that Harvey West's court-ordered participation in the foreclosure sale was unlawful, improper, or deprived Plaintiff of property rights.
3. A complaint must allege sufficient factual content to state a plausible claim for relief; legal conclusions, bare assertions, and unsupported elements are insufficient.

## KEY QUOTATIONS

*“To survive a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), a complaint must allege enough facts to state a plausible claim for relief.”* (Section III.A)

*“But the amended complaint contains no facts to show that Defendant Harvey West is a state actor.”* (Section IV.A)

## FACTUAL BACKGROUND

The action arose from a Maryland foreclosure proceeding and court-ordered sale of residential property in Prince George's County, during which personal property allegedly belonging to the KLH Revocable Living Trust was also sold. Plaintiff, acting pro se as trustee, alleged that Harvey West Auctioneers facilitated the sale despite alleged defects in notice and procedure and thereby participated in an unconstitutional deprivation of property rights. Harvey West was a private auction entity hired by the private law firm Brock & Scott, PLLC, and conducted the sale pursuant to a court order.

## PROCEDURAL HISTORY

Plaintiff commenced the action on May 15, 2025, and filed an amended complaint on June 13, 2025. Harvey West moved to dismiss on July 7, 2025; Plaintiff opposed the motion on September 8, 2025, and Harvey West filed a reply on September 19, 2025. The court resolved the fully briefed motion without a hearing and dismissed Plaintiff's claims against Harvey West.

## DISPOSITION

dismissed

## CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 253, 255 (4th Cir. 2009)
- Lambeth v. Bd. of Comm'rs of Davidson Cnty., 407 F.3d 266, 268 (4th Cir. 2005)
- GE Inv. Private Placement Partners II, L.P. v. Parker, 247 F.3d 543, 548 (4th Cir. 2001)
- H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 249-50 (1989)
- West v. Atkins, 487 U.S. 42, 48-49 (1988)
- Crosby v. City of Gastonia, 635 F.3d 634, 639 (4th Cir. 2011)
- Haughton v. U.S. Dep't of Homeland Sec., No. 20-CV-03189-LKG, 2021 WL 5989210, at \*6 (D. Md. Dec. 17, 2021)
- Thomas v. Salvation Army S. Territory, 841 F.3d 632, 637 (4th Cir. 2016)
- Gilbert v. U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives, 306 F. Supp. 3d 776, 785 (D. Md. 2018)
- Jett v. Dallas Indep. Sch. Dist., 491 U.S. 701, 737 (1989)
- Goldstein v. Chestnut Ridge, 218 F.3d 337, 342-43 (4th Cir. 2000)
- Skinner v. Ry. Lab. Execs.' Ass'n, 489 U.S. 602, 614 (1989)
- Peltier v. Charter Day Sch., Inc., 37 F.4th 104, 116 (4th Cir. 2022)
- Mentavlos v. Anderson, 249 F.3d 301, 310 (4th Cir. 2001)
- Haavistola v. Cmty. Fire Co., 6 F.3d 211, 215 (4th Cir. 1993)
- Evans v. Newton, 382 U.S. 296, 299, 301 (1966)
- Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass'n, 531 U.S. 288, 291 (2001)
- Blum v. Yaretsky, 457 U.S. 991, 1004-05 (1982)
- Am. Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 52 (1999)
- Jackson v. Metro. Edison Co., 419 U.S. 345, 350, 353 (1974)
- Terry v. Adams, 345 U.S. 461, 468-70 (1953)
- Rendell-Baker v. Kohn, 457 U.S. 830, 842 (1982)
- Lugar v. Edmonson Oil Co., 457 U.S. 922, 924-25, 927 n.6, 928, 930, 939 (1982)
- United States v. Price, 383 U.S. 787, 794 n.7 (1966)
- Sikes v. Ward, No. TDC-16-4108, 2017 WL 6055686, at \*3 (D. Md. Dec. 6, 2017)
- Sheard v. Bank of America, N.A., No. PJM 10-2963, 2011 WL 3158035, at \*2-3 (D. Md. July 25, 2011)