

COURT OF APPEALS OF MARYLAND

Hansen v. City of Laurel, 420 Md. 670

25 A.3d 122 (2011) · No. No. 78, September Term, 2010 · Decided July 15, 2011

SUMMARY

The Maryland Court of Appeals held that compliance with the Local Government Tort Claims Act notice requirement is a condition precedent to maintaining an action against a local government. The court further held that a plaintiff must affirmatively plead, at least generally, satisfaction of that condition precedent. Because Hansen failed to plead compliance in his complaint, the court affirmed dismissal without reaching whether his notice to the City Administrator strictly or substantially complied with the statute.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Harrell, J.; Bell, C.J.; Battaglia, J.; Greene, J.; Murphy, J.; Adkins, J.; Barbera, J.
JURISDICTION	Maryland
DECIDED	July 15, 2011
DOCKET	No. 78, September Term, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hansen sought review of the Court of Special Appeals' affirmance of the Circuit Court for Prince George's County's dismissal of his employment-discrimination suit against the City of Laurel. The Court of Appeals granted certiorari and affirmed, holding that Hansen's complaint was subject to dismissal because it did not plead satisfaction of the Local Government Tort Claims Act notice requirement.
STANDARD OF REVIEW	De novo review of the legal sufficiency of the complaint and the interpretation and application of the LGTCA and Maryland pleading rules. Because matters outside the pleadings were presented and not excluded, the motion was treated effectively as one for summary judgment under Maryland Rule 2-322(c), although the Court of Appeals resolved the case on the pleading deficiency.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland
PARTIES	Jerry P. Hansen v. City of Laurel, Maryland

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QUESTIONS PRESENTED

1. Whether a plaintiff asserting a claim subject to the Local Government Tort Claims Act must plead in the complaint that the LGTCA notice condition precedent was satisfied.
2. Whether the Court of Appeals should decide whether Hansen's notice to the City Administrator strictly or substantially complied with the LGTCA.
3. Whether dismissal was proper where Hansen presented extrinsic notice documents in opposition to the motion to dismiss but did not amend his complaint or seek leave to amend.

HOLDINGS

1. A plaintiff pursuing an action subject to the LGTCA must affirmatively plead, at least generally, satisfaction of the LGTCA pre-suit notice requirement because that requirement is a procedural condition precedent to maintaining the action.
2. The court need not and should not decide whether Hansen's notice to the City Administrator strictly or substantially complied with the LGTCA because Hansen failed first to plead satisfaction of the notice condition precedent.
3. Hansen's extrinsic documents and factual assertions in opposition to the motion to dismiss did not cure the failure to plead LGTCA compliance in the complaint, particularly because he did not amend the complaint or seek leave to amend.

KEY QUOTATIONS

“It is a longstanding principle of Maryland jurisprudence that the LGTCA notice provision is a condition precedent to maintaining an action directly against a local government or its employees.” (420 Md. at 682)

“A plaintiff must not only satisfy the notice requirement strictly or substantially, but also plead such satisfaction in his/ her complaint.” (420 Md. at 694)

“If a plaintiff omits this step, he or she is subject to a motion to dismiss, for instance, based on a failure to state a claim upon which relief can be granted.” (420 Md. at 694)

FACTUAL BACKGROUND

Hansen had served as Laurel's Chief Building Official for seventeen years before the City ended his employment in January 2007. After suffering a heart attack, Hansen claimed that the City regarded him as disabled and pressured him to terminate his employment despite his asserted ability to return to work. Within 180 days of the termination, his attorney sent materials concerning potential discrimination claims to the City Administrator, and

Hansen later pursued administrative discrimination claims. His circuit-court complaint, however, did not allege compliance with the LGTCA notice requirement.

PROCEDURAL HISTORY

Hansen filed suit in the Circuit Court for Prince George's County after exhausting administrative remedies concerning the termination of his employment. The City moved to dismiss, arguing that Hansen neither alleged nor satisfied the LGTCA pre-suit notice requirement. Hansen opposed the motion with documents outside the complaint, but did not amend the complaint or seek leave to amend. The circuit court dismissed the action, the Court of Special Appeals affirmed on notice-recipient grounds, and the Court of Appeals affirmed on the independent pleading issue without deciding whether Hansen's actual notice satisfied the LGTCA.

DISPOSITION

affirmed

CASES CITED

- Rios v. Montgomery County, 386 Md. 104, 872 A.2d 1 (2005)
- Faulk v. Ewing, 371 Md. 284, 808 A.2d 1262 (2002)
- Grubbs v. Prince George's County, 267 Md. 318, 297 A.2d 754 (1972)
- Neuenschwander v. Washington Suburban Sanitary Comm'n, 187 Md. 67, 48 A.2d 593 (1946)
- Cannon v. McKen, 296 Md. 27, 459 A.2d 196 (1983)
- Jewell v. Malamet, 322 Md. 262, 587 A.2d 474 (1991)
- Moore v. Norouzi, 371 Md. 154, 807 A.2d 632 (2002)
- Chappelle v. McCarter, 162 Md. App. 163, 873 A.2d 458 (2005)
- The Harrisburg, 119 U.S. 199, 7 S. Ct. 140, 30 L. Ed. 358 (1886)
- Pavelka v. Carter, 996 F.2d 645 (4th Cir. 1993)
- Williams v. Maynard, 359 Md. 379, 754 A.2d 379 (2000)
- DiPino v. Davis, 354 Md. 18, 729 A.2d 354 (1999)
- RRC Northeast, LLC v. BAA Md., Inc., 413 Md. 638, 994 A.2d 430 (2010)
- Hall v. Barlow Corp., 255 Md. 28, 255 A.2d 873 (1969)
- Hansen v. City of Laurel, 193 Md. App. 80, 996 A.2d 882 (2010)

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