

COURT OF SPECIAL APPEALS OF MARYLAND

Priddy v. Jones, 81 Md. App. 164

567 A.2d 154 (1989) · No. No. 498, September Term, 1989 · Decided December 22, 1989

SUMMARY

The Court of Special Appeals of Maryland affirmed dismissal of Betty L. Priddy's amended negligence complaint against Jack G. Jones as barred by the three-year statute of limitations. The court held that the negligent-construction theory relied on operative facts distinct from those in the timely original complaint and could not relate back after final judgment had disposed of the original action.

CASE DETAILS

COURT	Court of Special Appeals of Maryland
WRITING FOR THE COURT	Garrity, J.; Karwacki, J.; Robert M. Bell, J.
JURISDICTION	Maryland
DECIDED	December 22, 1989
DOCKET	No. 498, September Term, 1989
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed the Circuit Court for Montgomery County's dismissal of her amended complaint challenging the court's jurisdiction and asserting negligence theories based on negligent maintenance and negligent construction.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; it reviewed the circuit court's dismissal ruling and limitations determination on appeal.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Special Appeals of Maryland
PARTIES	Betty L. Priddy v. Jack G. Jones

TOPICS

[statute of limitations](#)[negligence](#)[premises liability](#)[appellate procedure](#)[civil procedure](#)

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QUESTIONS PRESENTED

1. Whether the issue of subject matter jurisdiction over the January 23, 1989 amended complaint was moot after the identical complaint was refiled following issuance of the appellate mandate.
2. Whether the February 27, 1989 amended complaint related back to the original 1984 complaint for purposes of Maryland's three-year statute of limitations.
3. Whether the amended complaint was barred by res judicata or collateral estoppel.

HOLDINGS

1. The jurisdiction issue was moot because the identical amended complaint was refiled after the appellate mandate and thereby superseded the earlier filing.
2. The negligent-construction amendment did not relate back because it relied on operative facts distinct from those supporting the original negligent-maintenance claim.
3. Relation back was unavailable because final judgment had already disposed of the original complaint before the amended complaint was filed.
4. The second amended complaint was barred by Maryland's three-year statute of limitations because it was filed nearly eight years after the accident and did not relate back to the original complaint.

KEY QUOTATIONS

"In other words, merely changing the legal theory does not constitute a new and different cause of action for purposes of the statute of limitations; the material operative facts, not the legal theory, determine the cause of action." (II. Statute of Limitations)

"By the time the appellant filed her February 27 amended complaint, a final judgment had already been rendered disposing of her original complaint. There was, therefore, nothing left to which her amendment could 'relate back.'" (II. Statute of Limitations)

FACTUAL BACKGROUND

Betty L. Priddy allegedly slipped and fell on a marble floor in the lobby of the building where she worked on March 16, 1981. Her original negligence complaint alleged that the floor was wet and slippery and that Jones failed to clean, correct, or warn of the condition. After the original action was resolved against her on the ground that Jones, as a lessor not in possession, owed her no duty regarding the condition, Priddy filed amended complaints adding a negligent-construction theory based on the floor's allegedly inherent slipperiness and failure to meet safety standards.

PROCEDURAL HISTORY

Priddy was injured in a 1981 slip-and-fall and filed an original negligence action in 1984. The circuit court granted Jones summary judgment in 1988, and the Court of Special Appeals affirmed that ruling. Priddy then filed amended complaints asserting negligent construction; the circuit court ruled that the first amended complaint was outside its jurisdiction and that the second amended complaint was barred by the statute of limitations. The Court of Special Appeals affirmed on limitations grounds without reaching the remaining issues.

DISPOSITION

affirmed

CASES CITED

- Priddy v. Jones, No. 605, September Term, 1988 (Md. App., filed Dec. 28, 1988) (unreported)
- Shapiro v. Sherwood, 254 Md. 235, 254 A.2d 357 (1969)
- Villarreal v. Glacken, 63 Md. App. 114, 492 A.2d 328 (1985)
- University Nursing Home v. Brown and Associates, 67 Md. App. 48, 506 A.2d 268 (1986)
- Crowe v. Houseworth, 272 Md. 481, 325 A.2d 592 (1974)
- Kirgan v. Parks, 60 Md. App. 1, 478 A.2d 713 (1984)
- Rowley v. City of Baltimore, 305 Md. 456, 505 A.2d 494 (1986)