

COURT OF APPEALS OF MARYLAND

Piven v. Comcast Corp., 397 Md. 278

916 A.2d 984 (2007) · No. No. 48, September Term, 2006 · Decided February 9, 2007

SUMMARY

The Court of Appeals of Maryland held that an action for trespass to land is a local action that must be brought in the county where the affected land is located. The court rejected aggregation of separate, noncontiguous properties in Baltimore County and Baltimore City for venue purposes and held that related unjust-enrichment and quiet-title claims founded on the alleged trespass were likewise subject to the same venue restriction. The judgment affirming dismissal of the amended complaint was affirmed.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Wilner, J.; Bell, C.J.; Raker, J.; Cathell, J.; Harrell, J.; Battaglia, J.; Greene, J.
JURISDICTION	Maryland
DECIDED	February 9, 2007
DOCKET	No. 48, September Term, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed dismissal of an amended complaint asserting trespass, unjust enrichment, and quiet title claims concerning separate properties in Baltimore County and Baltimore City. The Circuit Court for Baltimore County dismissed the amended complaint for improper venue, the Court of Special Appeals affirmed, and the Court of Appeals of Maryland affirmed.
STANDARD OF REVIEW	The Court reviewed the venue ruling and the dismissal for abuse of discretion as to the circuit court's refusal to transfer rather than dismiss the action.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Sylvia B. Piven, Stanley Chaplinski, Donna Chaplinski v. Comcast Corporation, Comcast-related defendants

TOPICS

venue

civil procedure

trespass

quiet title

real estate

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether claims for trespass to separate, noncontiguous parcels of land located in different counties may be joined and litigated in one county when the parcels have no common ownership.
2. Whether the unjust enrichment and quiet title counts could be treated as transitory actions and maintained in Baltimore County despite being based entirely on the alleged trespass to Baltimore City property.
3. Whether the circuit court abused its discretion by dismissing the amended complaint rather than transferring the Chaplinski claims to Baltimore City.

HOLDINGS

1. An action for trespass to land is a local action that must be brought in the county where all or any portion of the affected land is located. Separate, noncontiguous parcels owned by different plaintiffs cannot be aggregated into a single subject matter of the action to create venue in a county where one parcel is not located.
2. Courts must look beyond labels and conclusory allegations to the substance of the pleading. Claims labeled unjust enrichment and quiet title remain subject to the local-action venue rule when they are founded solely on an alleged trespass and seek the same relief as the trespass count.
3. The circuit court did not abuse its discretion by dismissing the amended complaint rather than transferring the Chaplinski claims to Baltimore City when the plaintiffs had previously rejected the offered transfer and insisted on maintaining the improper joinder.

KEY QUOTATIONS

“The issue before us is whether, in an action for trespass to land located solely in one county, it is permissible to join an action for trespass to land located solely in a different county when the two parcels of land are not contiguous and have no common ownership.” (397 Md. at 984)

“In an action for trespass to land, the “subject matter of the action” is the trespass the intrusion upon the land and the interference with the plaintiff’s alleged right of possession and use of the land and that necessarily is where the land itself is situated.” (397 Md. at 988)

“Courts must ordinarily look beyond labels and conclusory averments and make determinations based on the substance of the allegations of a pleading.” (397 Md. at 991)

FACTUAL BACKGROUND

Piven owned property solely in Baltimore County, while Stanley and Donna Chaplinski owned property solely in Baltimore City. They alleged that Comcast defendants had placed or directed the placement of cables or wires

across their properties without permission and asserted trespass, unjust enrichment, and quiet title claims. The properties were noncontiguous and had no common ownership, and the plaintiffs attempted to litigate the Baltimore City and Baltimore County claims together in Baltimore County.

PROCEDURAL HISTORY

Piven, a Baltimore County property owner, and the Chaplinskis, Baltimore City property owners, sued Comcast defendants in the Circuit Court for Baltimore County. The circuit court ruled that trespass to land was a local action that had to be brought where the affected land was located, granted dismissal with leave to amend, and later dismissed the amended complaint without leave to amend when the Baltimore City claims remained joined. The Court of Special Appeals affirmed, and the Court of Appeals granted certiorari and affirmed.

DISPOSITION

affirmed

CASES CITED

- Piven v. Comcast Corp., 168 Md. App. 221, 895 A.2d 1118 (2006)
- Roessner v. Mitchell, 122 Md. 460, 89 A. 722 (1914)
- Crook v. Pitcher, 61 Md. 510, 513 (1884)
- Kane v. Schulmeyer, 349 Md. 424, 708 A.2d 1038 (1998)
- Gunther v. Dranbauer, 86 Md. 1, 6, 38 A. 33 (1897)