

eHow » Legal » Justice & Court System » File a Motion » How to Remove a Civil Court Record Abuse of Process in Maryland

How to Remove a Civil Court Record Abuse of Process in Maryland

By [Stephanie Reid](#), eHow Contributor

Like Tweet +1

In Maryland, abuse of process is a civil wrong in which a party is found liable for using the civil court system for an ulterior purpose other than the true administration of justice. Abuse of process can be committed by one seeking to embarrass, harass or vilify the defendant. If the court finds a party civilly liable for abuse of process, it will be placed on his permanent record. Removal of a civil verdict will require a successful petition to vacate the judgment.



Other People Are Reading



[How to File a Civil Action Lawsuit in the State of Maryland](#)



[How to File a Civil Action for Trespass in Maryland](#)

Instructions

- 1 Understand the timeline for a motion to vacate. Generally, all motions in Maryland must be made within 30 days after the entry of the judgment upon the court's docket, which is usually done the same day the verdict is given. Absent a showing of extreme hardship, the court will remain strict on this timeline and will require parties seeking to vacate a judgment to file the motion within this timeline. Otherwise, it will be considered time barred.
- 2 Draft a motion to vacate. Under the Maryland Rules of Civil Procedure, the motion to vacate must set forth the relief or order sought. Rule 3-535 gives the court revisory power over any judgment made as a result of fraud, mistake or irregularity. The motion must set forth new evidence not provided in the original trial or the court will likely dismiss the motion. New evidence includes that which could not have been discovered during the original trial despite due diligence. It also includes clerical errors.
- 3 File the motion to vacate within the same court that heard the original proceeding leading to the abuse of process verdict. The clerk will certify the motion is complete and time-stamp the motion to ensure it is within the strict 30-day requirement for post-judgment motions. A copy of the motion must be served upon the original defendant to the action, who must answer the motion within 30 days of receipt of service.

Related Ads



[Read Article](#)

Little Known Resources You Can Use

You May Like



[How to File a Civil Court Lawsuit in Colorado](#)



[How to File a Civil Action for Trespass & Nuisance in Maryland](#)



[How to File a Civil Suit Against a Magistrate Judge for Abuse of Process](#)



[Fall Footwear Reboot](#)

4 Prepare for a motion hearing by compiling evidence to show the court the original abuse of process verdict was errant and should be revised. This will require a review of the court's original ruling to determine what facts the verdict was based upon. From there, develop evidence to rebut the original theories the court relied upon. It is very important to present the court with new evidence, testimony or documents that were not introduced in the original proceeding or the court will quickly dismiss the action.

5 Attend the motion hearing to argue to the court that the abuse of process verdict was errant and should be revised. Each party will be given adequate time to develop their legal arguments and may call witnesses or present evidence if necessary. The motion hearing should last as long as the original trial and the court will likely make a ruling at the close of the hearing, if not shortly thereafter. If the court does not rule in favor of the party petitioning for a revision, that party may elect to appeal the judgment.



[How to File a Motion to Vacate When the Case Is Closed](#)



[Home Trends: The Latest in Fall Design](#)



[Fall Furniture Trends Take Cues from Nature](#)



[State of Michigan's Court Rules of Civil Procedures](#)

Related Searches

References

[Michie's; Chapter 500, Trial;](#)

[UsLegal.com; Definitions; Motion to Vacate; 2011](#)

Photo Credit Hemera Technologies/Photos.com/Getty Images

More Like This



[How to File a Civil Action Lawsuit in the State of Maryland](#)



[How to File a Civil Action for Trespass in Maryland](#)



[How to File a Civil Court Lawsuit in Colorado](#)

Comments

- 1685882202
Feb 10, 2013
"Rule 3-535 gives the court revisory power over any judgment made as a result of fraud, mistake or irregularity." Actually, it's Maryland Rules of Civil Procedure 2-535(b) that provides for revisory power over the judgment at any time. The request for revision must be made by MOTION to the court and is only exercised when there is a clear showing of fraud, irregularity or mistake which materially affected outcome of the judgment.

You May Also Like

[How to Remove Old Scar Caused From Cuts](#)

Many of the treatments and remedies for scars are also effective on old scars as well. While it is easier to fade...

Featured



[View Photos](#)

[Awesome Apps to Help You Do Your Taxes](#)



[Watch Video](#)

[How to Negotiate a Theft Insurance Claim](#)



[Read Article](#)

[Strategies for Making a Tax To-Do List](#)

[Maryland Law on Abuse of Process in Civil Court](#)

[Abuse of Process and the Statute of Limitations](#)

[How to Fight a Civil Judgment](#)

[Maryland Eviction Procedures](#)

[About the Maryland Rules of Civil Procedures](#)

[Search](#)

[About eHow](#) [eHow Blog](#) [How to by Topic](#) [How to Videos](#) [Sitemap](#)

© 1999-2013 Demand Media, Inc.

Use of this web site constitutes acceptance of the eHow [Terms of Use](#) and [Privacy Policy](#). [Report Copyright](#). [Ad Choices en-US](#)

