

Circuit Court for Frederick County
Case No.: 10-C-14-002532

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 195

September Term, 2024

TODD EASTERDAY

v.

ZHENG GUO

Wells, C.J.,
Graeff,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned)
JJ.

PER CURIAM

Filed: December 26, 2024

* This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

In April of 2023, appellee, Zheng Guo (“Mother”) filed a petition for contempt against appellant, Todd Easterday (“Father”) following Father’s failure to pay child support. The court set trial for January 25, 2024. Father filed a motion to postpone, asserting that he had “a procedure” scheduled for January 17, 2024. The court granted Father’s request and rescheduled trial for March 7, 2024. On February 16, 2024, Father filed a second motion to postpone, noting that he had “another surgery being scheduled for late Feb. 2024 or early March 2024.” Mother opposed the motion, noting that the parties’ child was “in desperate need of support” and that Father had failed to provide “any evidence or documentation of any surgery being scheduled.” On March 4, the court denied Father’s request and noted that it “may reconsider [Father’s request to postpone] with adequate documentation regarding asserted surgery[.]”

At trial, Mother appeared with counsel. Father failed to appear and instead, someone who identified himself as a friend of Father’s, Antonio Vista, appeared and asserted that Father had been hospitalized. Mother’s counsel requested that the court proceed with trial, adding that the case was nearly a year old and that the parties’ child of special needs needed support. The court denied what it construed as a motion to postpone:

All right. To the extent that Mr. Vista’s comments were -- are construed as a -- as a motion to postpone, I will deny that motion to postpone. This has already been postponed once as a result of indicating wanting to get a lawyer and health reasons. It has been pending for a significant period of time. There have been -- if I understand the opposition that there have been -- and the supplemental petition, there have been no payments made since the original filing of a petition for contempt, and I find that there is compelling reason to go forward today. So for that reason, I will deny the request for postponement in this matter.

Thereafter, Father was found in contempt and ordered to pay past-due child support.

Father noted the instant appeal. On appeal, he appears *pro se* and maintains that he was “rushed to the hospital [] very confused and unable to walk or remember where he was[,]” and thus that the court erred in conducting trial in his absence. In support, he attaches a one-page document indicating lab results showing above-normal ammonia levels on the day of the hearing, although it is not clear from lab results or Father’s brief when he was allegedly hospitalized, or for how long. In response, Mother asserts that Father’s claimed hospitalization is not credible and that the trial court correctly determined that Father willfully failed to pay child support.

We note that even in cases of a “possible urgent matter[,]” the circuit court “is not mandated by law to grant a continuance[.]” *Att’y Grievance Comm’n of Maryland v. O’Neill*, 477 Md. 632, 661 (2022). Instead, “[t]he determination of whether justice requires a continuance ‘lies within the sound discretion of the trial judge.’” *Id.* (quoting *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006)). “A trial court abuses its discretion when ‘no reasonable person would take the view adopted by’ the trial court, ‘or when the court acts without reference to any guiding rules or principles.’” *Adkins v. State*, 258 Md. App. 18, 35 (2023) (quoting *Kusi v. State*, 438 Md. 362, 386 (2014)). Further, the Supreme Court of Maryland has noted that, “[a]n abuse of discretion may occur when the continuance was mandated by law, or when counsel was taken by surprise by an unforeseen event, but had either acted diligently to prepare for trial, or had acted diligently to mitigate the effects of the surprise.” *O’Neill*, 477 Md. at 661 (internal citations omitted).

Here, there are no allegations that the continuance was mandated by law, and even assuming, *arguendo*, that Father’s alleged hospitalization constituted an unforeseen event,

we are unpersuaded that the facts indicate that he nonetheless acted diligently to prepare for trial or to mitigate the effects of the surprise. The trial court found that a postponement was not appropriate, noting that the case had been pending for nearly a year, that trial had already been postponed once due to reasons relating to Father’s health, and that Father had not made any additional child support payments since Mother filed the contempt petition. Finally, we note that the court indicated, several days prior to the trial, that it would consider postponing trial with “adequate documentation” of the surgery alleged by Father. Father failed to provide any such documentation. We cannot say that under these facts, no reasonable person would have proceeded with trial in Father’s absence.

**JUDGMENT OF THE CIRCUIT
COURT FOR FREDERICK
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**