

Circuit Court for Howard County  
Case No. C-13-CV-19-001256

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 765

September Term, 2020

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MICHAEL E. DEBLASIS

v.

SAMUEL J. DEBLASIS II

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Kehoe,  
Beachley,  
Kenney, James A., III,  
(Senior Judge, Specially Assigned)

JJ.

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Opinion by Kehoe, J.

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Filed: October 19, 2021

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. *See* Md. Rule 1-104.

This is an appeal from a judgment of the Circuit Court for Howard County that dismissed Michael E. DeBlasis’s civil action against Samuel J. DeBlasis II with prejudice.

Appellant presents four issues, which we have consolidated and reworded:

1. Did the circuit court violate appellant’s due process rights by conducting the hearing on appellee’s motion to dismiss by teleconference?
2. Did the circuit court err when it dismissed appellant’s complaint on the basis of claim preclusion?<sup>1</sup>

Our answer to both of these questions is no, and we will affirm the judgment of the circuit court.

#### BACKGROUND

Because the parties to this appeal are siblings, we will refer to them by their first names.

We mean no disrespect.

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<sup>1</sup> Appellant articulates the issues as follows:

1. Did the Circuit Court err ordering that teleconferencing from this Appellant to the Court, while the Judge and the Appellee appeared through Virtual computer broadcasting, was indicative of due process of law (Fourteenth and Fifth Amendments to the Federal Constitution)?
2. Was the Circuit Court in error ordering that the “motion to dismiss” and res judicata (claim preclusion) which was heard, when in the original order before the plague the same Court, different Judge, ordered for “summary judgment?”
3. Was the Circuit Court in error ordering for the Appellee on “motion to dismiss?”
4. Did the Circuit Court err in its disposition of the case through claim preclusion, res judicata?

In 2013, Gertrude Gallagher DeBlasis passed away while a resident of Florida. At the time of her death, most of her assets were held in a revocable trust and, as part of the probate proceedings, the net assets of her estate were “poured over” into that trust. The trust provided that the assets were to be held in equal shares for the benefit of her four children, including Michael and Samuel. The trust instrument also provided that Michael’s share was not to be distributed to him outright but was to be held in a separate trust (“Michael’s Trust”) and distributed in \$80,000 annual increments. Samuel was, and is, the trustee of Michael’s Trust. The final distribution from Mrs. DeBlasis’s trust occurred in March 2017.

Several months later, Michael filed a civil action against Samuel in the Circuit Court for Howard County (the “2017 action”). He alleged that Samuel had failed to provide him with financial information and records regarding his trust. He also asserted that Samuel abused his discretion in failing to make additional discretionary distributions to him.<sup>2</sup> Among other relief, Michael asked the court to remove Samuel as trustee. After a trial on the merits, the court denied all relief. Michael filed an appeal to this Court, which affirmed the judgment. *See DeBlasis v. DeBlasis*, No. 2497, Sept. Term, 2017, 2019 WL 1450193 (Md. Ct. Spec. App. Apr. 1, 2019), *cert. denied*, 464 Md. 15 (June 21, 201).

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<sup>2</sup> From what we can gather, the trustee has the discretionary authority to make additional distributions to Michael. The trust document does not appear to be in the record extract.

In December 2019, Michael filed the present action. Once again, he asserted that Samuel had failed to provide him with financial records, although the records in question pertained to the administration of Mrs. DeBlasis’s trust, which as we have related, was terminated in 2017. He asked the court to order Samuel to provide him with the relevant records and also sought removal of Samuel as trustee. Samuel filed a motion to dismiss the complaint on the ground that Michael’s claims were barred by the doctrine of claim preclusion. The circuit court held a remote hearing on the motion on August 8, 2020. Michael participated by telephone. After the hearing, the court granted the motion.

#### ANALYSIS

##### 1

Michael’s first argument is that the circuit court deprived him of his right to procedural due process by holding a remote hearing. The hearing was held in accordance with the administrative orders of the Chief Judge of the Court of Appeals issued in response to the Covid-19 pandemic. Michael asserts that his rights were compromised in two ways: First, although the court and Samuel participated through a computer program that provided audio and video access, Michael was “unable to afford or achieve” access to the program so he participated by telephone. The telephone reception, he asserts, was “very poor.” Additionally, he points out that the hearing was scheduled for 8:30 am EDT. He is a resident of Arizona, and the hearing took place at 5:30 am local time.

There are several problems with Michael’s arguments on this issue. Our reading of the transcript does not indicate to us that Michael’s audio connection was so poor that it

interfered with his ability to understand what the trial court and his brother were saying. In fact, at the beginning of the hearing, the trial court asked Michael if he could hear what was being said. Michael responded “Yes, I can.” Nor is there anything in the transcript that suggests that the court had trouble understanding Michael. We can appreciate that preparing for a hearing at 5:30 am could be burdensome, but in our view, the inconvenience does not rise to the level of a deprivation of constitutional rights. Finally, we do not agree with Michael that a remote hearing constitutes a deprivation of procedural due process, at least during the Covid-19 crisis. *See Att’y Grievance Comm’n of Maryland v. Agbaje*, 438 Md. 695, 719–20 (2014); *Spinks v. State*, \_\_\_ Md. App. \_\_\_, No. 1935, Sept. Term, 2019, 2021 WL 4451981 at \*6 (September 29, 2021).

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Michael’s second contention is that the circuit court erred when it granted Samuel’s motion to dismiss on the basis of claim preclusion. We do not agree.

Res judicata, also referred to as “claim preclusion,” is a legal principle that prevents “the same parties from relitigating any suit based upon the same cause of action because the second suit involves a judgment that is conclusive, not only as to all matters that have been decided in the original suit, *but as to all matters which with propriety could have been litigated in the first suit.*” *Bank of New York Mellon v. Georg*, 456 Md. 616, 625 (2017) (emphasis added). For res judicata to apply,

(1) the parties in the present litigation are the same or in privity with the parties to the earlier litigation; (2) the claim presented in the current action is identical to that determined or that which could have been raised and

determined in the prior litigation; and (3) there was a final judgment on the merits in the prior litigation.

*Cochran v. Griffith Energy Services*, 426 Md. 134, 140 (2012).

Michael asserts two claims in the present case: he seeks a court order to require Samuel to turn over financial records to him, and he asks the court to remove Samuel as trustee. These were the same claims presented in the 2017 case. The parties in the two actions are identical and there was a judgment entered in the 2017 action that was affirmed on appeal. It was indisputably a final judgment.

The only difference between the two cases is that the financial records that Michael is currently seeking pertain to the administration of *Mrs. DeBlasis's* trust, while the records that he sought in the 2017 action pertained to *his* trust. It was, and is, Michael's position that his request for the records of Mrs. DeBlasis's trust was "a separate matter" from his earlier request for the records of his trust. He is correct in one sense but what matters for res judicata purposes is that Michael could have requested those records in the earlier action. As the circuit court explained "even if there was a different group of assets that [Michael] wished to explore, that should have been explored during the earlier case[.]"

"The overarching purpose of the res judicata doctrine is judicial economy." *Bank of New York Mellon*, 456 Md. at 625. From the record before us, there was no reason why Michael could not have combined his request for access to the records of both trusts in the 2017 action. Had he done so, the trial court could have resolved the disputes as to both sets of records in one proceeding. Permitting him to bring a separate action is not consistent

with the concept of judicial economy. This is why the rule of res judicata bars the second action.

**THE JUDGMENT OF THE CIRCUIT COURT FOR HOWARD COUNTY IS AFFIRMED. APPELLANT TO PAY COSTS.**