

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1040

September Term, 2024

EVERETT ALLEN

v.

LISA ALLEN

Arthur,
Ripken,
Hotten, Michele D.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: February 19, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal involves a challenge by appellant to the denial of a motion for postponement by the Circuit Court for Prince George’s County. Appellant, Everett R. Allen (“E. Allen”), and appellee, Lisa N. Allen (“L. Allen”), were married in August of 1980. In December of 2022, the circuit court entered an order granting L. Allen a judgment of absolute divorce (hereinafter the “Divorce Judgment”), in which, pursuant to an agreement between the parties, L. Allen received title to a rental property located in Washington, D.C. (hereinafter “Building 1957”).¹ In April of 2023, L. Allen filed a motion for contempt and enforcement, alleging that E. Allen had not paid her the rental income generated by Building 1957 as mandated by the court in its findings of fact and conclusions of law related to the Divorce Judgment. In August of 2023, the court granted a money judgment against E. Allen; however, the court declined to hold him in contempt at that time. The court noted that issues regarding funds held in escrow and related outstanding rental income would be reserved for a later hearing. L. Allen subsequently obtained a writ of garnishment, which the court dismissed at a hearing in January of 2024, ordering the parties to appear on March 11, 2024 for a further hearing regarding pending motions filed by the parties. On March 6, 2024, counsel for E. Allen filed a motion for postponement, asserting that E. Allen would be unable to attend the March 11th hearing due to health issues. The court denied the motion, as well as two subsequent renewed motions made by counsel for E. Allen, the last occurring orally at the start of the March 11, 2024, hearing. The hearing proceeded without E. Allen, as his attorney had advised him not to appear at the hearing, claiming a belief that

¹ The parties refer to the rental property as “1957” in their filings.

the motion for postponement would be granted. L. Allen testified regarding the pending motions, and E. Allen, who was absent, did not testify, call witnesses, or present any evidence. The court ordered a money judgment related to the outstanding rental income and granted attorney's fees in L. Allen's favor. E. Allen filed a motion to alter or amend the judgment, as well as for a new trial and hearing, which the court denied. E. Allen then filed this timely appeal and presents the following sole issue for our review:²

Whether the circuit court abused its discretion in denying the motion for postponement.

For the following reasons, we find that the circuit court did not abuse its discretion and thus affirm the judgment of the court.

FACTUAL AND PROCEDURAL BACKGROUND

E. Allen and L. Allen were married in Washington, D.C. in August of 1980. In April of 2020, L. Allen filed a complaint for absolute divorce, which the court granted by the Divorce Judgment in August 2022, incorporating a written agreement signed by the parties in 2020.³ Pursuant to the agreement, L. Allen was to receive title to Building 1957, a multi-

² Rephrased from:

DID THE TRIAL COURT ABUSE ITS DISCRETION BY DENYING THE APPELLANT'S MOTION TO POSTPONE WHEN HE PRESENTED CREDIBLE EVIDENCE OF A SUDDEN MEDICAL EMERGENCY SUPPORTED BY A LETTER FROM HIS PHYSICIAN STATING THAT HE SHOULD NOT TESTIFY IN A HEARING DUE TO THE MEDICATION THE APPELLANT WAS PRESCRIBED AND THE SEVERITY OF THE PAIN APPELLANT WAS EXPERIENCING[?]

³ The circuit court incorporated, but did not merge the agreement into the Divorce Judgment.

unit apartment building located in Washington, D.C. The circuit court also ordered that, pursuant to the agreement, L. Allen was to receive all profits generated by Building 1957.

Motions for Contempt and Enforcement, Appropriate Relief, and a Writ of Garnishment

In April of 2023, L. Allen filed a motion for contempt and enforcement,⁴ asserting that E. Allen had not complied with the court’s order regarding Building 1957. L. Allen’s primary assertion was that E. Allen refused to remit \$76,272.18⁵ as mandated by the Divorce Judgment. L. Allen also filed a motion for appropriate relief. In that motion, L. Allen asserted that E. Allen refused to pay her the rental income generated by Building 1957 in 2022 and through the date of the motion in 2023.⁶ Last, L. Allen averred that she incurred \$25,986.58 in fines and penalties due to E. Allen’s failure to forward L. Allen’s mail related to the property.

E. Allen responded and admitted that the circuit court had ordered him to pay L. Allen the rental income that had been generated by Building 1957 in 2020 and 2021. Nonetheless, E. Allen asserted that the sums he owed should be adjusted to account for sums he claimed L. Allen owed to him. These sums included a check in the amount of \$4,774.00 issued to L. Allen after the sale of the marital home (hereinafter the “Escrow

⁴ The filing also requested attorney fees.

⁵ This figure represents the sum of rental income generated by Building 1957 in 2020 and 2021.

⁶ L. Allen also contended that she could not fairly ascertain how much money the property was generating in 2023 because E. Allen precluded her access to an online account by changing the password.

Check”),⁷ which E. Allen asked the court to set off against the money owed by E. Allen to L. Allen. E. Allen additionally requested that \$19,187 held in a separate escrow account (hereinafter the “Escrow Funds”) be released and applied to the sum he owed to L. Allen.^{8,9}

In August of 2023, the circuit court issued a series of orders declining to find E. Allen in contempt; however, it required that he pay \$76,272.18 to L. Allen.¹⁰ The court did not rule on the issues regarding the money from the escrow accounts, nor the rental income owed to L. Allen for 2022 and 2023. Instead, the court reserved those issues for a later hearing.

Shortly after the court’s ruling, L. Allen requested and obtained a writ of garnishment against E. Allen, seeking to satisfy the judgment. The garnishee bank filed a motion to dismiss, which the court granted at a hearing in January of 2024. The court then set a hearing for Monday, March 11, 2024 at 1:30 p.m. to resolve pending motions.

Motions for Postponement and the March 11th hearing

⁷ The sum of the Escrow Check was paid to L. Allen as a refund from escrow funds after the sale of the parties’ marital home.

⁸ In response to the motion for appropriate relief, E. Allen also claimed that L. Allen owed him money for upkeep of the parties’ marital home, as well as property taxes.

⁹ E. Allen also filed a motion for appropriate relief that made the same arguments as his response to L. Allen’s motion for contempt/enforcement.

¹⁰ E. Allen noted an appeal in August of 2023. However, this Court *sua sponte* dismissed the appeal due to E. Allen’s failure to file a brief by the assigned deadline.

On March 6, 2024, the Wednesday before the hearing, counsel for E. Allen filed a motion for postponement, stating that E. Allen could not attend the March 11th hearing because he “[was] currently experiencing health issues for which he [was] currently under the care of a physician[.]” The court denied the motion the next day, indicating, “[n]o supporting documents [were] provided” with the motion. Per counsel for E. Allen, she received notice of this denial on Saturday, March 9, 2024.

On March 11, 2024, at 10:35 a.m., approximately three hours prior to the scheduled hearing, E. Allen filed a renewed motion for postponement, this time attaching a letter from a physician who asserted having treated E. Allen. The letter, dated March 4, 2024, stated the following:

TO WHOM IT MAY CONCERN I saw Mr. Allen on 2/28/2024 for an acute gout flare of the [left] wrist for which I placed him on gout treatment as well as a short course of pain medication given the severity of his pain. He’s made me aware that he has a court case this week, however[,] given his acute flare w[ith] the severe pain and being on pain medication, he may not necessarily be in the right state of mind to participate in court at this time. I would like to ask for his hearing to be postponed until the end of this month so he’ll no longer be on pain medications and his flare will have fully resolved as it may take him longer than a younger person to fully recover from this flare. Thank you for your understanding and please let me know if you have any questions/concerns.

There is a signature that purports to be that of the physician at the bottom of the letter; however, there was no accompanying affidavit. The circuit court denied this motion the same day at 11:23 a.m. Per counsel for E. Allen, at approximately 12:40 p.m., she received notice that the hearing was proceeding as scheduled.

At the commencement of the 1:30 p.m. hearing, counsel for E. Allen was present and again moved for a continuance. E. Allen was absent. According to information

provided by his counsel, E. Allen contacted her at 10:27 a.m. that day to ask what time the hearing began. However, counsel for E. Allen, contending she believed that the court would grant the renewed motion for postponement, told E. Allen that he did not have to appear in court that day. Counsel for E. Allen disclosed that information to the court, and the following colloquy ensued:

THE COURT: Why would you tell your client no?

COUNSEL FOR E. ALLEN: Because I've never seen an injustice like that. But there could be one. I don't know, it could be. And then that would be my fault.

THE COURT: Injustice?

COUNSEL FOR E. ALLEN: I will go call my client and let him know to come. But or you can start, because by the time he has to testify, I guess he'll be here. And hopefully he'll get someone to be able to bring him. And he can testify under the narcotics that he's under. But I mean, I don't believe that he's -- based on what his doctor says, that he can even competently testify based on his medication.

THE COURT: His doctor wrote this letter a week ago.

COUNSEL FOR E. ALLEN: Right.

THE COURT: That doesn't mean whatever pain --

COUNSEL FOR E. ALLEN: And I filed my motion last week.

THE COURT: -- medication he was under on March 4th, he's still suffering from.

COUNSEL FOR E. ALLEN: Well, that picture is what he took last night and sent to me. Or he sent it to me yesterday.

THE COURT: This doesn't show me anything.

COUNSEL FOR E. ALLEN: So are you -- is the Court saying that the doctor has to give a notice every single day of the condition of the client? He hasn't been leaving his house. I mean, he --

THE COURT: I'm saying that the letter says he saw your client on February 28th.

COUNSEL FOR E. ALLEN: Right.

THE COURT: Today's March 11th.

COUNSEL FOR E. ALLEN: Right.

THE COURT: He wrote this letter a week or so after the appointment. He wrote this letter on March 4th.

COUNSEL FOR E. ALLEN: Right.

THE COURT: That's not to say that in a week, he's still in the same condition.

COUNSEL FOR E. ALLEN: Well, what happens is a doctor prescribes a number of pills. So if he prescribed 20 pills, and he knows as a doctor how many pills are needed to be taken in order for to treat a condition, I'm assuming that he assumed okay, well, I prescribed this medication on the 28th. It's probably completed. Because he said by the end of the month that he should be fine. It's probably going to be completed by the end of the month or close to the end of the month, and then that's when he would be able to competently come in and testify. So --

THE COURT: You got, you got a denial, and your client's not here.

COUNSEL FOR E. ALLEN: Well, that's not the information I received this morning from Judge Kelsey's law clerk. Judge Kelsey's law clerk said that they're forwarding the motion to Judge Dawson for him to consider it, and that's who I thought we were about to go in front of to ask for this anyway.

THE COURT: And if Judge Dawson denies the motion, then what?

COUNSEL FOR E. ALLEN: Yeah, then I would have had to say well, I guess we have to go forward. I mean, but I don't --

THE COURT: Well, that's what you got to say now.

COUNSEL FOR E. ALLEN: I don't believe that the Court would deny the motion.

THE COURT: I'm denying the motion.

The hearing proceeded as scheduled, and L. Allen, who was present, testified as to the money E. Allen owed her from the rent generated by Building 1957 in 2022 and 2023. L. Allen also testified that she would like to receive her portion of the sums held in escrow, as E. Allen had not yet paid her money due under the Divorce Judgment.

The Circuit Court's Ruling

The circuit court awarded L. Allen a money judgment in the amount of \$11,573.21, which represented rental income owed for 2022 and 2023, as well as attorney's fees (hereinafter the "May 2024 Judgment").¹¹ E. Allen then filed a motion to alter or amend the judgment, as well as for a new trial and a hearing, which the court denied.¹² This timely appeal followed.

Additional facts will be incorporated as needed.

DISCUSSION

¹¹ The court credited E. Allen half of the Escrow Funds and Escrow Check towards the sum owed to L. Allen.

¹² The circuit court noted in its denial that E. Allen failed to file proposed findings of fact within two weeks of the May 2024 judgment as ordered by the court.

THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN DENYING THE MOTION FOR POSTPONEMENT.

A. Party Contentions

E. Allen asserts that the circuit court abused its discretion by denying his motion for postponement. He advances that argument under five theories: 1) he provided the proof purportedly requested by the circuit court in its first denial of the motion for postponement; 2) the differential case management plans for several courts across the state support a postponement under circumstances similar to those of E. Allen at the time of the hearing; 3) the circuit court showed partiality toward L. Allen in failing to offer alternatives to the denial of the motion, such as allowing E. Allen to arrive late;¹³ 4) he was prejudiced by his inability to put forth a defense; and 5) counsel's actions were reasonable, and the circuit court's actions were unreasonable.¹⁴

L. Allen asserts that the trial court did not abuse its discretion in denying the motion for postponement. L. Allen primarily contends that the court correctly ruled on the motion for postponement because counsel for E. Allen: failed to file the necessary documents in

¹³ E. Allen asserts that the court was also partial toward L. Allen by awarding attorney fees, thereby punishing E. Allen.

¹⁴ First, E. Allen asserts that the court was unreasonable in concluding that the doctor's letter, which was dated March 4th and described a visit on February 28th, was not indicative of E. Allen's physical state on March 11th. Next, counsel for E. Allen argues that it was not unreasonable for counsel to excuse E. Allen's appearance because she provided a doctor's note, indicating that E. Allen was under the care of a doctor. Last, counsel for E. Allen claims that the circuit court was unreasonable in denying the motion to alter or amend and for a new trial because, counsel asserts, the denial was based on counsel's failure to file proposed findings of fact regarding the March 11 hearing as ordered by the court.

support of the motion; failed to file the motion in a timely manner; assumed without basis that the court would grant the motion; failed to properly advise E. Allen on the status of the motions; and failed to file proposed findings of fact as ordered by the court at the March 11th hearing.

B. Standard of Review

“To grant or deny. . . a motion for continuance is in the sound discretion of the trial court.” *Serio v. Baystate Props., LLC*, 209 Md. App. 545, 554 (2013) (citation and internal quotation marks omitted). *See also* Maryland Rule 2-508(a) (dictating that the circuit court may, “[o]n motion of any party or on its own initiative . . . continue or postpone a . . . proceeding as justice may require”). Thus, on appeal, we review the trial court’s decision for an abuse of that discretion. *Serio*, 209 Md. App. at 554. “An abuse of discretion occurs ‘where no reasonable person would take the view adopted by the [trial] court[] . . . or when the court acts without reference to any guiding principles, and the ruling under consideration is clearly against the logic and effect of facts and inferences before the court [] . . . or when the ruling is violative of fact and logic.’” *Bacon v. Arey*, 203 Md. App. 606, 667 (2012) (quoting *Beyond Systems, Inc. v. Realtime Gaming Holding Co.*, 388 Md. 1, 28 (2005)) (alterations and omissions in original). *See also Serio*, 209 Md. App. at 554 (holding that a court abuses its discretion if it uses that discretion “arbitrarily”). “Absent an abuse of that discretion[,] we historically have not disturbed the decision to deny a motion for continuance.” *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006) (citations omitted). *See also Cobrand v. Adventist Healthcare, Inc.*, 149 Md. App. 431, 445 (2003) (“Absent an indication from the record that the trial judge misapplied or misstated the

applicable legal principles, the presumption [that a judge correctly exercised discretion] is sufficient for us to find no abuse of discretion.”).

C. Analysis

The circuit court did not abuse its discretion in denying E. Allen’s motion for a postponement. As indicated above, a circuit court abuses its discretion if it rules in a manner unsupported by the record or takes a view that no other “reasonable person” would adopt. *See Bacon*, 203 Md. App. at 667. *See also Serio*, 209 Md. App. at 554. Here, E. Allen requests that we find that the trial court abused its discretion despite noting ample basis in the record for the court to deny the motion to postpone. We decline to do so.

First, as E. Allen acknowledges, three judges denied the motion for postponement. For there to be an abuse of discretion, it must be the case that *no* “reasonable person” would take the view adopted by the trial court. *See Bacon*, 203 Md. App. at 667. Here, three judges on the same court adopted the same view, having been provided the same or limited information as a basis for the requested postponement.¹⁵

Moreover, the trial court’s decision at the time of the hearing, as well as the two previous denials, were amply supported by the record. First, counsel for E. Allen failed to file supporting documentation in support of the initial motion for postponement, and when

¹⁵ The first judge denied the motion, noting counsel for E. Allen failed to attach supporting documentation demonstrating that E. Allen was having health issues. There is no indication as to the reason the second judge denied the renewed motion. The third judge denied the motion, having been provided information that counsel advised E. Allen not to attend court, and having not been presented any current documentation showing that E. Allen was impaired on the day of the hearing.

counsel did so subsequently by the day of the hearing, the purported supporting document was outdated. That is, counsel filed a letter from a physician dated March 4, 2024, which detailed E. Allen’s physical condition during a visit on February 28, 2024. As the trial court noted at the March 11th hearing upon the third postponement request, the letter was not indicative of E. Allen’s physical state that day. In addition, counsel for E. Allen did not proffer what would have been elicited by E. Allen’s testimony. Thus, we cannot determine how E. Allen was prejudiced by the hearing continuing in his absence, as claimed. A hearing will generally proceed as scheduled until such a time that the court, in its “sound discretion,” decides to grant a continuance. *Serio*, 209 Md. App. at 554 (citation omitted). *See also* Maryland Rule 2-508(a). Notably, in this case, L. Allen, who was present at the March 11th hearing, opposed the motion for postponement and requested that the hearing continue, asserting that she would be prejudiced by a continuance.

Additionally, counsel for E. Allen failed to file proposed findings of fact as ordered by the court, wherein he could have put forth the costs he contended he was owed to offset the money judgment to L. Allen. E. Allen concedes that the facts listed above are independent reasons to affirm the trial court’s decision. Nonetheless, he asks that we find that the trial court abused its discretion for several reasons; we find none of his arguments persuasive.

First, E. Allen asserts that the motion for postponement should have been granted because he submitted the supporting documentation as requested by the circuit court. However, the circuit court did not request documentation or indicate that the postponement would be granted should documentation subsequently be provided. The first denial order

simply stated “[n]o supporting documents provided.” Nonetheless, the documentation eventually presented by counsel was unpersuasive to the court for the reasons stated above. We find no abuse of discretion in the court’s denial and notation of missing documentation, nor the conclusion that the late-provided documentation was insufficient.

Next, E. Allen asserts that the circuit court was partial toward L. Allen because actions taken by other Maryland courts in similar circumstances, such as allowing late arrivals, supported the grant of the motion for postponement, or, in the alternative, allowing E. Allen to arrive late. As E. Allen notes in his brief, the procedures of courts in other Maryland jurisdictions have no authority on court administration in the Circuit Court for Prince George’s County.¹⁶ E. Allen provided the postponement procedure for the Circuit Court for Prince George’s County, suggesting that under this policy and the case management plans for the other counties, E. Allen’s gout flare should have qualified him for a continuance. However, as E. Allen acknowledges, the procedure is not binding on the court. Trial courts have broad discretion in how to manage their dockets. *See Heit v. Stansbury*, 215 Md. App. 550, 568 (2013). Therefore, the trial court, in deciding that there was not a sufficient basis to grant the motion for postponement, also had broad discretion in disallowing E. Allen to arrive late, thereby delaying the hearing, as a remedy. *See id.* We find no abuse of discretion.

¹⁶ In his brief, E. Allen provided the Differential Case Management plans regarding postponements for the circuit courts in the following Maryland jurisdictions: Baltimore City, Baltimore County, St. Mary’s County, and Allegany County.

Last, E. Allen argues that he was prejudiced by his inability to put forth a defense and presents three arguments grounded in reasonableness, contending that counsel's actions were reasonable and that the circuit court's actions were unreasonable. As discussed *supra*, E. Allen was advised by his counsel not to appear for the March 11th hearing, although he emailed counsel on the day of the hearing to inquire as to the time the hearing started; this suggests that he was prepared to attend. Counsel for E. Allen also failed to file proposed findings of fact as ordered by the court at the end of the March 11th hearing. This failure, coupled with counsel's failure to make a proffer regarding E. Allen's anticipated testimony, demonstrate E. Allen's inability to show prejudice. We conclude the court did not abuse its discretion in entering a judgment in L. Allen's favor or in denying the revisory motion. Finding no abuse of discretion in the record, we affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE'S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**