

Circuit Court for Prince George's County
Case No. CAL20-10755

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1150

September Term, 2024

TERRY HOUSTON

v.

ASSOCIATION OF CLASSIFIED
EMPLOYEES, AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES LOCAL 2250

Reed,
Tang,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: June 5, 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).

The Circuit Court for Prince George’s County dismissed with prejudice appellant Terry Houston’s (“Houston”) complaint against her former employer, appellee Association of Classified Employees, American Federation of State, County and Municipal Employees Local 2250 (“Local 2250”). The dismissal was a sanction for Houston’s failure to comply with two orders requiring her to cure deficiencies in her discovery responses. Houston noted this timely appeal, raising two questions that we consolidate and rephrase as follows:¹

Did the circuit court abuse its discretion in ordering dismissal of the action with prejudice as a discovery sanction?

For the reasons set forth below, we answer in the negative and affirm the judgment of the circuit court.

BACKGROUND

On March 28, 2020, Houston filed a complaint arising from the termination of her employment with Local 2250. The complaint alleged three counts: (1) violation of procedural due process; (2) retaliation/hostile work environment; and (3) breach of contract. Local 2250 was not properly served with the complaint until September 2022, over two years after the original complaint was filed. It moved to dismiss the complaint for

¹ Houston presents the following issues in the “Questions Presented” section of her brief:

1. Did the Circuit Court abuse its discretion by dismissing the action as a discovery sanction?
2. Did the Circuit Court abuse its discretion by incorrectly applying the law applicable to the sanction?

failure to state claims upon which relief could be granted, which Houston opposed. On December 7, 2022, the court dismissed all but the second count.

Upon Local 2250's request, the court entered an order on January 23, 2023 requiring Houston to amend the complaint to provide a more definite statement concerning her allegations supporting the remaining count. However, Houston did not amend the complaint within fifteen days after the entry of the order as required under Maryland Rule 2-322(d).

On April 12, 2023, Local 2250 moved to strike the second count and dismiss the complaint. On April 28, Houston filed an amended complaint, rendering Local 2250's motion to strike moot. The amended complaint asserted the same three counts as in the original complaint but provided additional details in support of the second count.

On May 15, 2023, Local 2250 moved to dismiss the amended complaint, again for failure to state claims upon which relief could be granted. Houston opposed the motion, and the court dismissed all but the second count in the amended complaint.

The court initially scheduled a trial date to commence on July 18, 2023. Given the procedural posture of the case, the court postponed the trial date and issued a scheduling order with a new trial date to commence on March 13, 2024, with various deadlines as detailed below.

Scheduling Order

On October 24, 2023, the court issued a scheduling order, setting a two-day trial to commence on March 13, 2024. The order set forth various deadlines. It provided, in relevant part:

90 days prior to trial, complete the following:

1. Notice of computer-generated evidence []
2. If the parties agree to ADR, it must be scheduled utilizing ADR form
3. Plaintiff’s Experts, if any, identified []

60 days prior to trial, complete the following:

1. Amendments to pleadings
2. All discovery
3. Motions to Bifurcate
4. Defense Experts, if any, identified []

30 days prior to trial, complete the following:

1. File dispositive motions
2. File Motions In Limine

Under the scheduling order, the discovery deadline under this scheduling order was January 16, 2024.² The parties began conducting discovery, with Local 2250 serving its request for production of documents and interrogatories on Houston on November 22, 2023 and Houston serving her discovery requests on December 5.

On December 6, 2023, the parties jointly requested a modification of the scheduling order deadlines and postponement of the trial date to allow the parties to complete discovery. The court denied the request because the case was “well outside the time standards” and the parties failed to demonstrate “good cause for [the] continuance.”

² The actual deadline fell on Saturday, January 13, 2024, which would render the deadline the next business day. *See* Md. Rule 1-203(b). Monday, January 15 was Martin Luther King, Jr. Day, a holiday.

February 6 Order

On January 15, 2024, Local 2250 filed a Motion to Compel and for Sanctions (“Motion to Compel”) against Houston. According to the motion, Local 2250 had served Houston with requests for production of documents and interrogatories on November 22, 2023. On January 2, 2024, Houston served her responses. However, Local 2250 contended that the responses were deficient.

Local 2250’s request for production of documents itemized sixty-three requests. The written response Local 2250 received from Houston addressed only fourteen requests. After comparing Houston’s responses with the document request that she propounded on Local 2250, it was clear that Houston’s written responses were to her own request for production of documents, not Local 2250’s request. Although she produced several documents, she did not provide a *written response to Local 2250’s* document request as required by Maryland Rule 2-422(c).

Regarding its interrogatories, Local 2250 contended that Houston provided deficient answers to Interrogatories 2 (identification of expert witnesses), 4 (amount of damages claimed), and 9 (actions taken to mitigate damages).³

³ Interrogatory No. 2 requested Houston to identify her expert witnesses, the substance of the expert’s findings and opinions, and a summary of grounds for each opinion. Houston’s response was “John Tatum 202-3270671 Parliamentarian on rules of Robert’s Rules of Order. An economist who has not been retained. Plaintiff will identify was retained. Medical reports from my doctors.” Local 2250 argued that this response was deficient because Houston did not provide the substance of the testimony, findings, and opinions.

Local 2250 had engaged in good faith efforts to resolve the discovery disputes before filing the motion. On January 8, 2024, counsel for Local 2250 emailed Houston’s counsel and requested that the deficiencies be cured no later than January 10. On January 11, counsel for Local 2250 followed up with Houston’s counsel:

I am following up on my prior email as I have not heard back from you. Again, your client’s discovery responses are deficient as elaborated [above] and continue to prejudice my client. Please consider this a second good faith attempt to resolve this dispute. My client will proceed immediately with a Motion to Compel and for Sanctions, as every day matters given the rapidly approaching trial date in this matter.

Houston’s counsel did not respond to the January 8 and 11 emails before Local 2250 filed its motion on January 15.

After Local 2250 filed the motion on January 15, Houston’s counsel emailed counsel for Local 2250 at 9:59 p.m. with a “proffer” of Houston’s supplemental answers to

Interrogatory No. 4 requested “the amount of damages claimed by you in this litigation and, for each amount of damages, . . . how you calculated each amount of damages claimed.” Houston’s answer was the following:

All lost wages and benefits from the time of my reduction in salary plus all interest past and future. Lost property as a result of retaliation when my salary was reduced. All defamatory states [*sic*] made about my not returning to work from WC. All pain physical and psychology [*sic*] that I have suffered as a result of the retaliation from Defendant. Punitive damages from the abuse and retaliation[.]

Local 2205 argued that Houston’s answer failed to articulate any amount of damages or calculations.

Interrogatory No. 9 requested that Houston “[i]dentify any and all actions you have taken to mitigate your claimed damages in this litigation.” Houston’s answer was, “I have sought full and part time employment.” Local 2250 argued that the answer provided no information as to how, if at all, Houston mitigated her damages.

Interrogatories 2, 4, and 9, but she did not formally supplement the answers under oath and with her signature as required by Rule 2-421(b).⁴

Houston did not file an opposition to the motion. On February 6, Judge Woodall granted the Motion to Compel, finding “that a failure of discovery ha[d] occurred.” The court reserved on Local 2250’s request for sanctions. Instead, the court ordered that Houston “shall serve full and complete responses to [Local 2250’s] Requests for Production of Documents and [its] Interrogatories” “within ten (10) days from the date of entry of this Order,” i.e., by February 16. The order further advised that Houston’s “failure to comply with this Order may result in the imposition of sanctions.”

⁴ In the January 15 email, Houston’s counsel wrote, “Counselor, In response to your assertions of deficient in Plaintiff’s responses to your discovery request. Plaintiff further proffers the following.”

Regarding Interrogatory 2, Houston’s counsel would not withdraw “John Tatum as an expert on Roberts Rules of Order.” She added that “The economist was never identified so Plaintiff does not feel that it is necessary to withdraw a name that has never been submitted.”

Regarding Interrogatory 4, Houston’s counsel proffered the following “jobs”: “Indeed Agency,” “Senate Office Building,” “Macy Department,” “Walmart,” and “Home Depot.”

Regarding Interrogatory 9, Houston’s counsel proffered the following calculation of lost wages: “Lost wages - \$94,000 annual cost of living and anniversary raise from July 15, 2012 to present = 1,078,000.00(not including cost of living or anniversary raise) salary reduced \$58,000”; “Lost wages from contribution to retirement and social security at 12%”; “Future lost wages – 1.8 million - Plaintiff does not intend to retire until she physically could not work and had made no decision on retirement old”; “Involuntary Dismissal - one million”; “Retaliation - \$350,000.00”; “Loss of enjoyment of Life - \$250,000.00”; “Loss of real estate property - \$300,000.00 investment property”; “Default real estate property - \$50,00.00 primary property”; “Judgements – default on car, credit cards and damage to credit - 1,000,000.00”; and “Lost employment benefits i.e. insurance.”

Postponement of the Trial Date

On January 17, 2024, two days after Local 2250 filed its Motion to Compel, Houston filed a Motion to Stay/Continue/Postpone This Matter Because of Unavailability of Attorney Because of Illness (“Motion to Stay”). Houston’s counsel explained that during the prior summer, in July 2023, she was diagnosed with an aggressive illness that led to chemotherapy and surgery. Counsel explained that she had experienced other symptoms in the last several months and learned in December that she needed radiation treatment. Accordingly, counsel requested that “all matters in this case are stayed/continued/postponed until early July, 2024” to allow adequate time for her “to complete other outstanding task [*sic*] before the [c]ourt that were postponed earlier and due shortly.”

On February 12, Judge Snoddy held a status hearing to address the Motion to Stay. Houston’s counsel explained that because of her condition, she would not “be able to do much until the radiation treatments are finished” at the end of that week. Houston’s counsel acknowledged that the court had granted “motions” that precluded Houston from introducing evidence and explained why she had not responded to them. She recounted her health challenges and added that, for unknown reasons, she had not been receiving MDEC notifications that motions were being filed. However, she stated that “everything ha[d] been reinstated within the last two weeks.”

Counsel for Local 2250 responded that the Motion to Compel was not before the court. As for postponing deadlines in the case, Local 2250 did not oppose the request given

that dispositive motions were due the next day (February 13) according to the existing scheduling order, *supra*.

Judge Snoddy turned to the February 6 order, inquiring into its scope and whether it had, in fact, precluded Houston from presenting evidence. Counsel for Local 2250 clarified that the order “doesn’t go that far”; instead, it required Houston’s “compliance within 10 days of the order.”

Judge Snoddy asked Houston’s counsel, “at this point will a stay do you [*sic*],⁵ or do you need just more time to respond to discovery and then have a trial?” Houston’s counsel responded, “I think I need to formally respond to discovery,” explaining that she had “fallen behind.”

Judge Snoddy sought clarification about what Houston’s counsel specifically needed: “[W]hat I’m asking is what do you need at this point?” Counsel responded, “I would need to ask the [c]ourt to grant us until July, the trial until July, and to at least allow me to respond to their motions.”

Judge Snoddy again asked Houston’s counsel what she needed “so that we don’t have to revisit this” because “July will be here” “before you know it.” Counsel responded, “we haven’t done anything else, it has been on dispositive motions that have been filed. So realistically until September 1st would be good.”

Judge Snoddy rescheduled the trial for September 3, 2024. He explained that “the way it will work is every deadline [in the existing scheduling order, *supra*] will move with

⁵ According to Local 2250, the words “any good” were omitted from the transcript.

the new trial date,” referring to the deadlines of “30, 60, 90 days” from the trial date as set forth in that order. Thus, the first deadline for Houston’s identification of experts fell on June 5 (ninety days before the new trial date), the second deadline to complete discovery fell on July 5 (sixty days before the new trial date), and the third deadline to file dispositive motions fell on August 5 (thirty days before the new trial date).⁶

April 17 Order

In the meantime, Houston did not respond to the February 6 order. On February 26, 2024, counsel for Local 2250 emailed Houston’s counsel regarding compliance with the February 6 order:

As you know, on February 6, 2024, the [c]ourt granted Local 2250’s Motion to Compel in this matter. The Order provided your client with 10 days to serve full and complete responses to Local 2250’s requests for production of documents and Local 2250’s interrogatories. That deadline came and went on February 16, 2024 with no responses served. Indeed, you and I discussed this Order during our February 12, 2024 hearing with the [c]ourt to clarify your obligations under the Order. No doubt you were and remain aware of it and its requirements.

To date, I have not received any updated discovery responses, nor have I heard from you whatsoever regarding this matter. Given your medical situation and the postponement of trial in this matter, I waited an additional week to see if you would reach out and/or comply with the [c]ourt’s Order. I still have not heard from you. Even though trial has been postponed, you and your client must still comply with the [c]ourt’s Order.

To that end, and in the interest of avoiding additional expense, I am willing to wait until 5:00 p.m. this Thursday, February 29, 2024, to receive full and complete discovery responses from you. Indeed, this gives you an additional 13 days beyond the original 10 allotted by the [c]ourt to comply with the [c]ourt’s Order. My client reserves all rights.

⁶ The deadline to file dispositive motions would otherwise have fallen on August 4, a Sunday. *See* Md. Rule 1-203(b).

On March 1, 2024, counsel for Local 2250 followed up with another email to Houston’s counsel:

I am following up on my below communication in a second good faith attempt to resolve this dispute without involving the [c]ourt. I also tried calling your office three (3) separate times today, but the line was dead and would not ring. I could not leave a voicemail.

I have not heard from you since the below email, nor have I heard from you at all regarding this matter. As noted below, my client and I have been flexible in light of your medical condition and have been willing and able to hear from you as to your plan for complying with the [c]ourt’s order. We have not heard anything from you whatsoever.

To that end, please be advised that my client will promptly proceed with a motion for sanctions arising out of your client’s discovery failures.

On April 12, 2024, Local 2250 filed a Motion for Sanctions. In it, Local 2250 recounted the good-faith efforts it made to resolve Houston’s failure to comply with the February 6 order and explained that Houston’s counsel did not respond to its emails. Local 2250 acknowledged receiving the January 15 email from Houston’s counsel *supra*, which was sent the evening after Local 2250 filed the Motion to Compel. However, it maintained that the supplemental answers were still deficient as they were unsigned in violation of Rule 2-421(b) and, in any event, did not address the deficiencies raised in the Motion to Compel. In addition, Local 2250 stated that the January 15 email did not address the deficiency concerning the request for production of documents.

On April 14, 2024, Houston filed a Motion to Extend Time, requesting until April 30 to respond to the Motion for Sanctions. On April 17, Judge Woodall entered an order reserving ruling on the Motion for Sanctions and providing another opportunity for Houston to comply with the February 6 order. It ordered Houston to “provide outstanding

discovery within seven (7) days of this order [April 24] or this matter shall be dismissed with prejudice and a hearing held for attorney [*sic*] fees if requested” by Local 2250.

Houston did not provide the complete discovery responses that were the subject of the Motion to Compel by April 24, 2024.

Motion to Dismiss

On April 25, 2024, Local 2250 filed a Request for Dismissal with Prejudice (“Motion to Dismiss”) requesting that the court dismiss the case with prejudice for Houston’s failure to comply with the court’s February 6 and April 17 orders. It also requested a hearing to determine fees and costs.

On May 3, 2024, Houston filed a consolidated opposition to Local 2250’s Motion to Compel, Motion for Sanctions, and Motion to Dismiss. Houston requested that the court vacate the February 6 order and deny the Motion for Sanctions and Motion to Dismiss. Houston’s counsel explained that she did not receive notice of the Motion to Compel because of problems receiving notices through MDEC. Accordingly, she did not have a chance to respond to the motion. In addition, counsel claimed that she did not receive the February 6 order compelling discovery.

Houston addressed the allegedly deficient responses to Local 2250’s request for production of documents. She acknowledged the “mistake” in responding to her own request for production of documents. While her written responses were to the wrong request, she produced over 250 pages of documents and had communicated with opposing

counsel about supplementing production as documents became available, prior to the good faith correspondence of January 8.

As for the Motion for Sanctions, Houston’s counsel claimed that, at the February 12 hearing, Judge Snoddy had “stayed” all matters until ninety days prior to the September 3 trial date (or June 5). On this premise, she claimed that Local 2250 failed to comply with the “stay” order by pursuing its Motion for Sanction and Motion to Dismiss, and therefore, she should be awarded fees and costs for preparing the consolidated opposition.

Local 2250 replied that Houston’s opposition to the Motion to Compel should not be considered because the court had already granted the motion to compel in its February 6 order. In any event, Local 2250 disagreed with Houston’s claim that difficulties with MDEC notifications prevented her counsel from knowing that a Motion to Compel had been filed and granted. Local 2250 maintained that, at the latest, Houston’s counsel knew at the time of the February 12 hearing that the court had ordered Houston to produce discovery pursuant to the February 6 order, because that order was discussed at the hearing. Moreover, notwithstanding the February 6 order, the April 17 order gave Houston additional time, until April 24, to cure her discovery deficiencies, which she failed to do. Additionally, Local 2250 disagreed with Houston’s assertion that Judge Snoddy stayed all matters in the case at the February 12 hearing. Instead, it argued, Judge Snoddy had postponed the trial date and the scheduling order deadlines leading up to it.

Order of Dismissal

On July 26, 2024, Judge Woodall held a hearing on Local 2250’s request to dismiss the case. Local 2250 recounted the procedural history summarized above. It argued that Houston had not advanced the case and still had not addressed the deficiencies in her discovery responses.

Local 2250 claimed that this delay prejudiced it; Houston asserted in the complaint that its wrongful conduct occurred between 2013 and 2017, and the trial date was scheduled roughly four years from the filing date of the complaint. Local 2250 explained, “We are moving far, far away from the underlying facts, the witnesses, [and] the documents.” In closing, counsel reiterated: “[T]rial is now the beginning of September. We still don’t have these [discovery] issues resolved. The prejudice to my client is enormous.”

Houston’s counsel recounted her past health issues and prior problems receiving MDEC notifications. As for the Motion to Compel, Houston’s counsel explained that she did not respond to it because she did not receive notice of it through MDEC when it was filed. She continued to maintain that Houston had produced documents and adequately answered the interrogatories as reflected in various email communications.

Regarding dismissal, Houston’s counsel reiterated her belief that Judge Snoddy, at the February 12 hearing, had stayed the matter until September, which she believed eliminated Houston’s obligation to comply with the February 6 order. In response to Local 2250’s prejudice argument, Houston’s counsel explained that the COVID-19 pandemic and her health issues caused much of the delay. Finally, Houston’s counsel argued that before

imposing a sanction, the court had to consider various factors under *Taliaferro v. State*, 295 Md. 376 (1983), which did not justify dismissal in this case.

Judge Woodall stated that in deciding whether to impose the sanction of dismissal,

[The q]uestion is based on the length of this case that's been in the system and all the history of it. And I have it and I'm going to go back and review the history, because I've pretty much been signing off on these orders and I'm the individual who has been extending and giving you the opportunity to respond. I've read Judge Snoddy's transcript. Not today, but I've read it in the past. I'm familiar with this case, in other words.

Judge Woodall expressed that she did not construe Judge Snoddy's remarks at the February 12 hearing as a stay of the case. Instead, she explained that Judge Snoddy obtained a new trial date and stated that every deadline would move to align with the new trial date. According to Judge Woodall, "That's not a stay." As for the COVID-19 pandemic, Judge Woodall noted that courts were not closed for more than a week or two until they started conducting matters virtually, so she was not persuaded that the pandemic and court closures "impact[ed] the delay."

On July 29, 2024, after taking the Motion to Dismiss under advisement, Judge Woodall entered an order dismissing the case with prejudice. The dismissal order provided in relevant part:

FOUND that on April 17, 2024, this [c]ourt ordered [Houston] to comply with this [c]ourt's February 6, 2024 Order for Discovery Sanctions and to produce outstanding discovery owed to [Local 2250] no later than April 24, 2024; and it is further

FOUND that this [c]ourt's April 17, 2024 Order advised [Houston] that [her] failure to comply shall result in dismissal with prejudice; and it is further

FOUND [that Houston] has failed to comply with this [c]ourt’s April 17, 2024 Order; and it is therefore

ORDERED that, in light of [Houston’s] failure to comply with this [c]ourt’s February 6, 2024 and April 17, 2024 Orders, this matter shall be and hereby is DISMISSED WITH PREJUDICE.

The order further provided that Local 2250 submit a request for fees and costs and left the case open for the limited purposes of determining those fees and costs.

On August 8, 2024, Houston noted an appeal.⁷ The same day, she filed a motion to alter or amend the judgment, which the court denied.

STANDARD OF REVIEW

“Maryland Rule 2-433(a)(3) gives trial courts broad discretion to impose sanctions for discovery violations. The available sanctions range from striking out pleadings to dismissal, and the decision whether to invoke the ‘ultimate sanction’ is left to the discretion of the trial court.” *Valentine-Bowers v. Retina Grp. of Wash., P.C.*, 217 Md. App. 366, 378 (2014) (citation omitted); *Mason v. Wolfing*, 265 Md. 234, 235 (1972) (“Even when the ultimate penalty of dismissing the case or entering a default judgment is invoked, it cannot

⁷ After the appeal was noted, Local 2250 filed a request for fees and costs pursuant to Rules 1-341 and 2-433. The court stayed disposition of the request and reserved ruling on it pending the outcome of the appeal. That the court did not rule on the request does not affect the appealability of the judgment dismissing the case. *See, e.g., Litty v. Becker*, 104 Md. App. 370, 376–78 (1995) (holding that a trial court may entertain a motion for sanctions and attorney’s fees even after the judgment had been entered and appealed and the appeal was concluded because “a motion for costs pursuant to [Rule 1-341] is an ‘independent proceeding and a trial court is not deprived of jurisdiction’ whenever costs are sought” (citation omitted)); *Dent v. Simmons*, 61 Md. App. 122, 129–30 (1985) (holding that despite a pending appeal, the trial court retained jurisdiction to entertain a motion for sanctions, because the question of attorney’s fees “raised legal issues collateral to the main cause of action” and “did not affect the subject matter of the appeal”).

be disturbed on appeal without a clear showing that [the trial judge’s] discretion was abused.”).

“Our review of the trial court’s resolution of a discovery dispute is *quite narrow*; appellate courts are reluctant to second-guess the decision of a trial judge to impose sanctions for a failure of discovery.” *Sindler v. Litman*, 166 Md. App. 90, 123 (2005) (emphasis added). To reverse a trial court’s decision, it must be “well removed from any center mark imagined by the reviewing court and beyond the fringe of what the court deems minimally acceptable.” *Wilson v. John Crane, Inc.*, 385 Md. 185, 1999 (2005) (citation omitted).

There are five factors, referred to as the “*Taliaferro* factors,” that a trial court should employ in determining the imposition of sanctions:

(1) whether the disclosure violation was technical or substantial; (2) the timing of the ultimate disclosure; (3) the reason, if any, for the violation; (4) the degree of prejudice to the parties respectively offering and opposing the evidence; and (5) whether any resulting prejudice might be cured by a postponement and, if so, the overall desirability of a continuance.

Hossainkhail v. Gebrehiwot, 143 Md. App. 716, 725–26 (2002) (citing *Taliaferro*, 295 Md. at 390–91). “The factors often overlap and do not lend themselves to a compartmental analysis.” *Id.* at 726. “When a court exercises its discretion by balancing and weighing the rights, interests, and reasons of the parties, the court is not required to discuss each factor considered.” *Id.* at 725; accord *Cobrand v. Adventist Healthcare, Inc.*, 149 Md. App. 431, 445 (2003) (explaining that “a trial judge’s failure to state each and every consideration or factor in a particular applicable standard does not, absent more, constitute an abuse of

discretion, so long as the record supports a reasonable conclusion that appropriate factors were taken into account in the exercise of discretion”).

DISCUSSION

Houston argues that the circuit court abused its discretion in dismissing the case as a discovery sanction. “The court’s exercise of discretion is presumed correct until the attacking party has overcome such a presumption by clear and convincing proof of abuse.” *Hossainkhail*, 143 Md. App. at 725. To overcome this presumption, Houston asserts that (1) her conduct was not willful or contumacious, and (2) none of the *Taliaferro* factors supported dismissal.

A.

Willful or Contumacious Conduct

Houston argues that her actions were not contumacious, deliberate, or dilatory. She explains that she was not the cause of the delay moving the case forward, and she believed in good faith that Judge Snoddy had granted a stay of the case, including the effect of the February 6 order. However, Houston’s argument that her behavior was not willful or contumacious is “without effect.” *Id.* “The power to impose sanctions is not dependent on a finding that the defaulting party acted willfully or contumaciously.” *Id.*; *Valentine-Bowers*, 217 Md. App. at 378 (“There need not be ‘wilful or contumacious behavior’ by a party to justify imposing sanctions.” (citation omitted)). Consequently, this argument has no merit.

B.

Taliaferro Factors

(1) Nature of the Disclosure Violation – Technical v. Substantial; (2) Timing of Ultimate Disclosure; and (4) Degree of Prejudice to the Parties

Houston considers the first, second, and fourth factors together. She argues that any discovery deficiencies were merely technical and that she did, in fact, comply with her discovery obligations. She contends that Judge Woodall failed to recognize her substantial compliance and details in her brief how she “promptly” met her discovery obligations. Houston explains that she answered thirteen interrogatories on time, with Local 2250 objecting to only three of her responses. She asserts that she properly supplemented the disputed answers by email on January 15, 2024, after the Motion to Compel was filed, thereby fully complying with the Rule governing interrogatories. Regarding the requests for production of documents, Houston acknowledges that she initially provided written responses to her own requests rather than Local 2250’s, but explains that she produced over 250 pages of documents and later supplemented this production with additional responsive documents. Under the fourth factor, she claims that Local 2250 was not prejudiced by any technical violation because she complied with her discovery obligations. Therefore, she argues that these factors weigh against dismissal.

We disagree. Preliminarily, we reject the assertion that Judge Woodall did not consider Houston’s substantial compliance argument. At the July 26, 2024 hearing, Judge Woodall heard Houston’s counsel’s explanation regarding her discovery responses. When counsel attempted to explore the details of email exchanges between the parties, Judge

Woodall indicated that counsel was getting into “the weeds” and instead focused on the “history” of the case and the extension granted to Houston to comply with the February 6 order. Houston’s written opposition to the Motion to Dismiss filed before the hearing, *supra*, included arguments consistent with those her counsel made at the hearing as well as email exchanges between counsel regarding discovery. Judge Woodall acknowledged reviewing Houston’s filings, stating that she was familiar with the case and invited counsel to “tell me anything additional, other than what’s been filed.” Thus, the record shows that Judge Woodall considered Houston’s substantial compliance argument.

We conclude that Houston’s violations for failure to comply with the rules governing discovery were substantial. *See Hossainkhail*, 143 Md. App. at 726 (holding that the appellant’s disregard of discovery deadlines was a substantial violation). Rules 2-421 (Interrogatories) and 2-422 (Discovery of Documents) require responses within thirty days from the date discovery requests are served. While Houston may have served her initial answers to interrogatories, she failed to properly supplement her answers to the disputed interrogatories when Local 2250 identified the deficiencies in her initial answers to three of the interrogatories. As noted, the disputed answers concerned significant issues, including the claimed damages—which appeared to exceed \$5 million (*see supra* n.4)—and the calculation of those damages. The January 15 email from Houston’s counsel, which Houston claims cured the deficiency, merely “proffer[ed]” supplemental answers that were neither sworn under oath nor signed by Houston as required by Rule 2-421(b). Additionally,

the supplemental answers did not completely answer the disputed interrogatories. *See supra* n.3 and 4.

The substantial violations were prejudicial to Local 2250. The purpose of interrogatories is not only to ascertain the contentions of the opposing party, but also to use sworn answers signed by the party at trial or hearing as substantive evidence (i.e., admissions of a party opponent) or for impeachment. *See* Md. Rule 2-421(d); *Brown v. Brown*, 195 Md. App. 72, 119 (2010) (explaining that a party’s “interrogatory answer was an admission of a party opponent and, having been admitted into evidence, it constituted substantive evidence that the court could consider”). A “proffer” of an answer does not satisfy Rule 2-421 and undermines the other party’s ability to use the answers at trial or hearing. Moreover, incomplete answers defeat the purpose of discovery, which is to minimize the likelihood that any party will go to trial confused or uncertain about the facts underlying the litigation. *See Warehime v. Dell*, 124 Md. App. 31, 48 (1998) (“The purpose of discovery is to ‘eliminate, as far as possible, the necessity of any party going to trial in a confused or muddled state of mind, concerning the facts that gave rise to the litigation.’” (citation omitted)).

Regarding the discovery of documents, Houston emphasizes her compliance with Rule 2-422(d), which governs the *production* of documents. However, she fails to acknowledge the separate requirement to provide *written responses* to Local 2250’s requests under Rule 2-422(c). Subsection (c) requires written responses that, for “each item or category,” state whether documents will be disclosed or refused, and if refused, must

“fully” state “[t]he grounds for each refusal.” Md. Rule 2-422(c). “If the refusal relates to part of an item or category, the part shall be specified.” *Id.* Houston never served written responses to Local 2250’s requests for production of documents as required. The fact that Local 2250 obtained relevant documents does not diminish the need for written responses to Local 2250’s request for production of documents. Without written responses as required by the Rule, Local 2250 would not know whether the document production “was complete or accurate.” *See Hossainkhail*, 143 Md. App. at 727. As with deficiencies with the answers to interrogatories, Houston’s failure to provide written responses to Local 2250’s request for documents was prejudicial because it would have resulted in Local 2250 proceeding to trial in a “muddled state of mind.” *Warehime*, 124 Md. App. at 48.

In addition to failing to comply with the rules governing discovery, Houston also failed to comply with the mandates of the February 6 and April 17 orders. The February 6 order required Houston to “serve full and complete responses to [Local 2250’s] Requests for Production of Documents and [its] Interrogatories” within ten days from the date the order was entered. The April 17 order similarly directed Houston to “provide outstanding discovery within seven (7) days.” Despite these clear directives, Houston did not cure the deficiencies identified by Local 2250 in its correspondence and Motion to Compel. The trial was scheduled to begin on September 3, 2024—over four years after the complaint was filed. Yet, by July 26, 2024, less than two months before trial, when the parties appeared before Judge Woodall on the Motion to Dismiss, Houston still had not remedied these discovery deficiencies; the supplemental answers to interrogatories were still

unexecuted and incomplete, and Houston had still not provided written responses to Local 2250’s request for production of documents. Given this prolonged delay, the court could have reasonably concluded that the case needed to be resolved without further delay. For the reasons stated, the first, second, and fourth factors weighed in favor of dismissal.

(3) Reasons for the Violation

Houston argues that she had valid reasons for any discovery violations. First, she claims she was “backlogged” because she did not receive notice of the February 6 order and the Motion to Compel that led to its entry due to technical issues with the court’s electronic service.⁸ Second, Houston emphasizes that her counsel was undergoing medical treatment for an illness, which prompted Judge Snoddy to grant a postponement and extend all scheduling deadlines, including the discovery deadline. She contends that, regardless of whether Judge Snoddy’s decision was considered a postponement or a stay of the case, the effect was the same—the decision rendered the February 6 order inoperative.

⁸ In the arguments section of Houston’s brief, counsel asserts that MDEC/Tyler Technologies “blacklisted” her email address during the relevant period, causing her to miss notice of the Motion to Compel and the February 6 order. She contends that this clerical error violated the Maryland Rules. We do not interpret this section of her brief as arguing that the February 6 order should be vacated. Rather, it provides context for her claims that her conduct was neither willful nor contumacious and that the factors do not favor dismissal. Indeed, she acknowledges that this clerical error explanation is “relevant to several of [her] arguments” in her brief.

To the extent she is arguing that the February 6 order should have been vacated due to the clerical error, she fails to present this specific question in her brief. *See supra* n.1; Md. Rule 8-504(a)(3) (briefs shall contain “[a] statement of the questions presented, separately numbered”); *Green v. N. Arundel Hosp. Ass’n, Inc.*, 126 Md. App. 394, 426 (1999) (explaining that an appellant may waive issues on appeal by omitting them from the “Questions Presented” section of the brief, as this requirement ensures the issues are clear to all parties and the appellate court).

Regarding the first point, even if we accept that Houston’s counsel did not receive the February 6 order due to a clerical error, which explained her initial noncompliance, she was clearly aware of the order by the February 12 hearing before Judge Snoddy. As recounted above, the transcript shows a discussion about the order and the requirement to comply within ten days, and counsel indicated that she “need[ed] to formally respond to discovery.”

Regarding Houston’s second point, if she or her counsel had any doubt about the effect of the February 6 order, the April 17 order—entered after the hearing before Judge Snoddy—made clear that the February 6 order remained in effect. Moreover, Judge Snoddy did not grant a stay of the case. Even assuming Houston’s argument that the rescheduled discovery deadline extended her time to comply with the February 6 order, the new deadline was July 5, 2024—sixty days before the rescheduled trial date of September 3, 2024. By that date, Houston had still failed to cure the discovery deficiencies. Judge Woodall was not persuaded by Houston’s claim that Judge Snoddy’s decision to postpone the trial and extend scheduling deadlines suspended the mandates of the February 6 or April 17 orders, nor are we. The court did not err in weighing this factor in favor of dismissal.

(5) Whether a Continuance Would Cure Prejudice and Is Desirable

After various postponements and with the case having been pending for over four years since the complaint was filed, the record shows that granting another continuance would neither have cured the prejudice nor been desirable. The case had already exceeded established time standards. Moreover, Houston and/or her counsel consistently maintained

that she had complied with her discovery obligations and argued that Judge Snoddy’s decision to stay or extend discovery deadlines relieved Houston of the obligation to comply with the February 6 and April 17 orders. Given this stance, there was little reason to believe Houston would begin complying with the orders. *Cf. Valentine-Bowers*, 217 Md. App. at 386 (noting that the trial court appropriately dismissed the case as a discovery sanction where “[c]ounsel’s track record in this case gave the court no reason to think he would suddenly start cooperating or responding to the appellees in the event the court permitted postponement”).

For the reasons stated, the court did not abuse its discretion in dismissing the case with prejudice.

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