Circuit Court for Baltimore County
Case No.: C-03-CV-23-003117

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1273

September Term, 2024

THERESA L. CHIEFFALLO

v.

MORGAN PROPERTIES AT
SENECA BAY APARTMENTS

Wells, C.J.,
Friedman,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 13, 2025

*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 2023, Appellant Theresa L. Chieffallo sued the property manager of the apartment complex in which she lived, Appellee Morgan Properties at Seneca Bay Apartments, in the Circuit Court for Baltimore County, alleging negligence, nuisance, constructive eviction, and violations of the Americans with Disabilities Act ("ADA"). The court's scheduling order set the deadline for designating expert witnesses as March 22, 2024, with discovery to close a month later.

Morgan Properties propounded discovery requests upon Chieffallo on November 6, 2023. The day before her responses were due, Chieffallo, without first attempting to contact Morgan Properties, moved for an extension until April 21, 2024—the overall discovery deadline—to respond. The court denied her motion on January 4, 2024.

Morgan Properties reached out to Chieffallo several times about her overdue responses, both before and after the court denied her requested extension. On January 18, 2024, Chieffallo produced partial answers to 3 of Morgan Properties' 30 interrogatories and ended her response with "***TO BE CONTINUED…***" Within a week, Morgan Properties contacted Chieffallo, noting her deficient and incomplete responses and requested full responses by February 7, 2024. Chieffallo did not respond, but throughout this time, she was filing, in the circuit court, numerous exhibits, outlines, and other statements that were not responsive to any specific inquires.

Having received no answer from Chieffallo, Morgan Properties moved to compel her discovery responses. Chieffallo did not oppose the motion, and the court granted it on March 4, 2024. The court gave Chieffallo until March 12, 2024, to "fully and completely

answer" Morgan Properties' discovery requests. She did not do so. Consequently, on March 20, 2024, Morgan Properties moved for sanctions.

The court held a hearing on Morgan Properties' motion on May 30, 2024. The court ultimately found that Chieffallo had willfully failed to provide discovery and that her failure had unfairly prejudiced Morgan Properties. As a result, the court dismissed the case with prejudice. This appeal followed.

Trial courts "are vested with great discretion in applying sanctions for discovery failures." *Rodriguez v. Clarke*, 400 Md. 39, 56 (2007). *See also* Md. Rule 2-433. "The available sanctions [for a discovery violation] 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). The ultimate sanction, dismissal of a case, is typically reserved for "cases of egregious misconduct such as willful or contemptuous behavior[.]" *Manzano v. S. Md. Hosp.*, 347 Md. 17, 29 (1997) (cleaned up). But even when "invoked, it cannot be disturbed on appeal without a clear showing that [the court's] discretion was abused." *Mason v. Wolfing*, 265 Md. 234, 235 (1972). "An abuse of discretion occurs where no reasonable person would take the view adopted by the [trial] court, when the court acts without reference to any guiding rules or principles, or when the court's ruling is clearly against the logic and effect of facts and inferences before the court." *State v. Alexander*, 467 Md. 600, 620 (2020) (cleaned up).

On appeal, Chieffallo essentially contends that, as a *pro se* litigant, she should not have been required "to follow all the rules in a restricted time-line[.]" In Maryland,

however, "the procedural, evidentiary, and appellate rules apply alike to parties and their attorneys. No different standards apply when parties appear *pro se*." *Tretick v. Layman*, 95 Md. App. 62, 86 (1993). Although we sympathize with *pro se* litigants, "we also need to adhere to procedural rules in order to maintain consistency in the judicial system." *Pickett v. Noba, Inc.*, 114 Md. App. 552, 554–55 (1997).

Trial courts consider the following factors before imposing discovery sanctions under Maryland Rule 2-433:

> (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).

Here, Chieffallo was ordered to produce discovery, did not do so, and admitted to the failure to provide discovery as ordered on the record. She argued her failure was justified "[b]ecause the questions would all be answered at trial[.]" The disclosure violation was substantial and, indeed, there was no ultimate disclosure. *See Valentine-Bowers*, 217 Md. App. at 380–82 (noting that disregard of "basic discovery" requests and deadlines "constitutes a 'substantial violation'"). Referencing the appropriate factors, the trial court found that Chieffallo's failure unfairly prejudiced Morgan Properties. On this record, we cannot say that "no reasonable person would take the view adopted by the [trial] court[.]"

Alexander, 467 Md. at 620 (cleaned up). Consequently, the court did not abuse its discretion in finding that the ultimate sanction was warranted.[1]

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

[1] In her brief, Chieffallo also asserts that she had requested an accommodation under the ADA to take "as much time as needed to complete tasks," and she attached to her brief a copy of the email granting her request. But despite her claims on appeal, she was not granted a blanket accommodation to ignore court deadlines and pursue her case on her own schedule. The accommodation applied only to her hearings and is, therefore, irrelevant to her discovery failures.