

Circuit Court for Dorchester County
Case No. C-09-CV-23-000191

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1369

September Term, 2024

LORI STEPP, *et al.*

v.

UNIVERSITY OF MARYLAND CENTER
FOR ENVIRONMENTAL SCIENCES, *et al.*

Leahy,
Kehoe, S.,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: October 23, 2025

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

The appeal before this Court arises from the grant of Appellees’ motion to dismiss the Appellant’s Amended Complaint with prejudice on August 15, 2024, by the Honorable William H. Jones of the Circuit Court for Dorchester County. The Appellant, Lori Stepp (“Ms. Stepp”) sued her former employers, the University of Maryland Center for Environmental Sciences (“UMCES”), Dr. Peter Goodwin, (“Dr. Goodwin”) and Lisa Ross (“Ms. Ross”), (collectively, “Appellees”), on eleven counts related to Ms. Stepp’s employment at UMCES. The Circuit Court for Dorchester County granted Appellees’ Motion to Dismiss for failure to state a claim and dismissed the Amended Complaint with prejudice.

The questions presented for our review have been rephrased and reordered for clarity as follows:¹

1. Did the circuit court err in its citation to cases with summary judgment standard and in its dismissal of Ms. Stepp’s Amended Complaint with prejudice?

¹ Ms. Stepp presented the following issues in her brief:

1. Whether the trial court committed reversible error in using a summary judgment evidentiary standard on a motion to dismiss?
2. Whether the trial court committed reversible error in finding Ms. Stepp had not pled a medical disability status?
3. Whether the trial court committed reversible error in finding Ms. Stepp’s Christian faith was not well-plead in sufficient detail to ascertain her beliefs as to why she opposed the Vaccine Mandate?
4. Whether the trial court committed reversible error in dismissing Ms. Stepp’s valid common law claims?
5. Whether the trial court committed reversible error in dismissing Ms. Stepp’s genetic discrimination statutory claim and its judicial notice accepting Defendants’ “Evidence” in its Motion to Dismiss?

2. Did the circuit court err in its dismissal of Ms. Stepp's tort and breach of contract claims?
3. Did the circuit court err in finding Ms. Stepp's Amended Complaint contained inadequate factual allegations to assert Ms. Stepp's disability and religion?
4. Did the circuit court err in its dismissal of Ms. Stepp's genetic discrimination claim and its judicial notice of COVID-19 testing and vaccines?

For the reasons discussed below, we shall affirm in part, and reverse and remand in part, the judgment of the circuit court.

I. FACTUAL & PROCEDURAL BACKGROUND

A. Factual Background²

Ms. Stepp began working at UMCES in September 2015. In September 2017, Dr. Goodwin was hired as the new UMCES President, and Ms. Stepp became his executive assistant. As executive assistant, Ms. Stepp was expected to review and maintain Dr. Goodwin's emails, calendar, mail and files. Ms. Stepp also served on the COVID-19 Executive Council as part of her role. During the COVID-19 pandemic in March 2020, all University staff, including Ms. Stepp, moved to telework. In May 2021, the University Chancellor announced that the COVID-19 vaccine would be mandatory for all staff to return to work on campus. Shortly after this announcement, Dr. Goodwin advised the UMCES community to contact Ms. Ross as the Director of Human Resources about

² Since our review involves a motion to dismiss, the factual background is based on the allegations in Ms. Stepp's Amended Complaint. *Converge Servs. Grp. v. Curran*, 383 Md. 462, 475 (2004).

possible exemptions to the COVID-19 vaccine mandate. Ms. Stepp contacted Ms. Ross to inquire about both a religious and medical exemption on or about July 21, 2021.

On July 21, 2021, Ms. Ross asked Ms. Stepp when she would inform Dr. Goodwin about her intent to submit a vaccine mandate exemption, which made Ms. Stepp feel “uncomfortable” and “pressured.” Ms. Stepp informed Ms. Ross that she planned to inform Dr. Goodwin during her 2021 annual review. On the same day, the COVID-19 Executive Council received statistics on the number of employees who were vaccinated and Ms. Stepp’s office listed only one employee unvaccinated. Ms. Stepp contacted Ms. Ross and asked if she should recuse herself from the COVID-19 Executive Council meeting due to her level of discomfort at the potential for her non-vaccinated status to be revealed. Ms. Ross advised against Ms. Stepp’s withdrawal from the meeting, as her lack of attendance would “draw more attention.”

Ms. Stepp submitted her religious and medical exemption forms on September 2, 2021. Ms. Stepp requested the following accommodations: a COVID-19 vaccine exemption; an exemption from COVID-19 testing to work; and an exemption from having to wear a mask while at work based on “her religion and medical disability.” Ms. Stepp’s request was granted based on her medical needs, but not for religious reasons on September 3, 2021.

On September 7, 2021, Ms. Ross requested all the files Ms. Stepp maintained for Dr. Goodwin. Upon receiving the files, Ms. Ross informed Ms. Stepp the files were not

comprehensive enough and needed more data. Ms. Stepp stayed late on September 9, 2021, to comply with Ms. Ross's request.

Ms. Stepp's annual review was held on November 4, 2021. Dr. Goodwin's annual review feedback noted he felt Ms. Stepp was "distant" and that he wanted someone with "leadership presence." Dr. Goodwin suggested during this meeting that Ms. Stepp "find another institution that fits her needs" and verbally offered her a one-year severance package. Ms. Stepp understood "her needs" to mean her religious faith and medical exemption request, although it is not clear when Ms. Stepp informed Dr. Goodwin of her medical exemption request. Ms. Stepp alleges that her job performance "had never been questioned either verbally or in writing" by her employer. She also alleges that following her annual review, her access to Dr. Goodwin's mail and office was removed without notice.

On December 6, 2021, Ms. Stepp reported the above "unlawful employment practices and mistreatment" in writing to Dr. Goodwin. The same day, Ms. Stepp retained an attorney who submitted a demand letter to Dr. Goodwin and Ms. Ross. Ms. Stepp later received a call from an attorney on behalf of Dr. Goodwin, who communicated about the demand letter and informed Ms. Stepp that termination of her position and loss of her accrued leave were possibilities.

On February 7, 2022, Ms. Stepp informed Dr. Goodwin of a leadership training she wanted to use her personal leave and pay to attend. Dr. Goodwin informed Ms. Stepp that relevant job-related training may be covered by the institution.

On February 14, 2022, Dr. Goodwin sent Ms. Stepp an email in which he advised he is “totally supportive of professional development.” Ms. Stepp claimed this email was “harassing and retaliatory.”

Ms. Stepp requested permission to participate in another leadership training, known as the Shore Leadership program, and asked Dr. Goodwin and other executive team members to write her a letter of recommendation. On February 18, 2022, Dr. Goodwin denied Ms. Stepp’s request to participate in the Shore Leadership program, stating that the program was for “those with top level positions such as director/assistant director.” On March 5, 2022, Ms. Stepp was terminated from her employment with UMCES.

Additional facts will be included in the discussion as they become relevant.

B. Procedural Background

Ms. Stepp filed a Charge of Discrimination with the Maryland Commission on Civil Rights (“MCCR”) and the United States Equal Employment Opportunity Commission (“EEOC”) alleging religious discrimination, disability discrimination, genetic information discrimination, retaliation, retaliatory suspension and discharge, workplace harassment and hostile environment and discharge in violation of terms and conditions of employment on April 27, 2022. The MCCR was notified to forward the matter to the EEOC for a right to sue letter, which was then forwarded to the United States Department of Justice (“USDOJ”) on January 25, 2023. The USDOJ issued a right to sue letter to Ms. Stepp on March 1, 2023.

Ms. Stepp first filed a complaint in the circuit court on May 26, 2023. UMCES filed a Motion to Dismiss and a Memorandum in Support on August 8, 2023. Ms. Stepp then filed an Amended Complaint on September 12, 2023. On October 18, 2023, UMCES filed a Motion to Dismiss Amended Complaint. Ms. Stepp filed a Response in Opposition and Memorandum of Law Opposing Defendant's Motion to Dismiss on November 10, 2023. UMCES filed a Reply Memorandum on November 20, 2023. On February 6, 2024, the circuit court held a hearing on the Motion to Dismiss. The circuit court issued an opinion on August 15, 2024, granting UMCES's Motion to Dismiss and dismissing Ms. Stepp's Amended Complaint with prejudice. On September 12, 2024, Ms. Stepp timely appealed to this Court.

II. DISCUSSION

The crux of this appeal lies within the many counts of Ms. Stepp's Amended Complaint and the circuit court's subsequent dismissal with prejudice. Ms. Stepp's Amended Complaint incorporated the following eleven counts: Count I–Religious Discrimination, Count II–Disability Discrimination, Count III–Discrimination based on Genetic Information, Count IV–Retaliation, Count V–Negligence, Count VI–Wrongful Discharge, Count VII–Invasion of Privacy, Count VIII–Intentional Infliction of Emotional Distress, Count IX–Civil Conspiracy, Count X–Loss of Consortium and Count XI–Breach of Contract.

The circuit court dismissed Counts I, II, III and IV for lacking the necessary factual allegations required for discrimination claims under the Maryland Fair Employment

Practices Act (“MFEPA”). The circuit court found that Counts VII, VIII, IX, X and XI failed to plead the requisite elements. Counts V and VI were preempted, as the circuit court concluded proper remedy for relief was under the MFEPA claims. The circuit court ultimately dismissed Ms. Stepp’s Amended Complaint with prejudice on all eleven counts.

Ms. Stepp appeals the circuit court’s dismissal with prejudice of her Amended Complaint for failure to state a claim on all eleven counts. For the reasons discussed *infra*, we affirm the dismissal with prejudice of Counts VII, VIII, IX, X and XI, reverse the dismissal with prejudice of Counts I, II, III and IV, and remand to the circuit court with direction to dismiss Counts I, II, III and IV without prejudice.

A. Standard of Review

Upon appellate review, motions to dismiss for failure to state a claim are reviewed *de novo*. *Sullivan v. Caruso Builder Belle Oak, Inc.*, 251 Md. App. 304, 316–17 (2021). This Court’s determination rests on whether the trial court’s grant or denial of a motion to dismiss was legally correct in its dismissal decision. *Benson v. State*, 389 Md. 615, 626 (2005); *Adamson v. Correctional Med. Servs., Inc.*, 359 Md. 238, 246 (2000). No deference is given to the circuit court findings. *Lamson v. Montgomery Cnty.*, 460 Md. 349, 360 (2018). Our review is limited to the four corners of the complaint and incorporated supporting exhibits. *Converge Servs. Grp. v. Curran*, 383 Md. at 462, 475 (2004). For the complaint to avoid dismissal, the underlying facts of the cause of action must be pled with sufficient specificity, as “bald assertions and conclusory statements” will not suffice. *Bobo v. State*, 346 Md. 706, 708–09 (1997). Complaints are appropriately dismissed for failure

to state a claim when the allegations, even if presumed true, demonstrate the plaintiff is not entitled to relief as a matter of law. *Lubore v. RPM Assocs., Inc.*, 109 Md. App. 312, 322 (1996) (internal citations omitted).

We assume the truth of all well-pled facts and allegations contained within the complaint, as well as all inferences that may be reasonably drawn from them in the light most favorable to the non-moving party. *RRC Ne., LLC v. BAA Maryland, Inc.*, 413 Md. 638, 643 (2010). This Court's determination rests on whether the trial court's grant or denial of a motion to dismiss was legally correct in its dismissal decision. *Benson*, 389 Md. at 626; *Adamson*, 359 Md. at 246.

B. Summary Judgment Standard

Ms. Stepp contends the circuit court erred in its dismissal of her Amended Complaint with prejudice, and that the circuit court's use of summary judgment encompassed a plain error at the motion to dismiss stage. UMCES maintains dismissal with prejudice was proper even though the circuit court mentioned cases with summary judgment standard, because the Amended Complaint failed to plead sufficient factual allegations that if true, would give rise to an inference of a hostile work environment or a discriminatory discharge.

We are not convinced the circuit court incorrectly ventured into summary judgment territory as Ms. Stepp argues. The circuit court's opinion mentions relevant employment discrimination cases that mention summary judgment standard, but the circuit court's ruling properly follows Maryland Rule 2-322(b)(2). Courts may reference the many

avenues of proof to inform a court's evaluation of motion to dismiss, even at the preliminary stage. *Brennan v. Deluxe Corp.*, 361 F. Supp 3d 494, 505 (D. Md. 2019). The circuit court's mention of summary judgment failed to change the basis of the ruling, and the circuit court was permitted to reference other cases in explaining their decision.

Furthermore, the circuit court's opinion clearly states that Ms. Stepp's dismissal was based on her inability to allege facts sufficient to state her claim. Ms. Stepp's attempt to obfuscate a summary judgment standard on a motion to dismiss is unpersuasive, as mere citations to relevant authority do not amount to improper pleading standard. As such, the circuit court did not err by citing cases that referenced summary judgment.

C. Dismissal With Prejudice of Counts V, VI, VII, VIII, IX, X and XI: Affirmed

We now turn to the circuit court's grant of dismissal with prejudice. Trial courts have the discretion to dismiss a claim with prejudice if it fails to state a claim that could afford relief. *Pulte Home Corp. v. Parex, Inc.*, 174 Md. App. 681, 727 (2007). Dismissals without prejudice are more likely to be ordered in cases where the dismissal is based on a lapse in the necessary formalities that can be readily rectified on the next try. *Mohiuddin v. Doctors Billing & Mgmt. Sol., Inc.*, 196 Md. App. 439, 447 (2010). On the other hand, a dismissal with prejudice is based on the legal sufficiency of the claim and touches the substantive merits of the case. *Id.* at 452.

Ms. Stepp argues that the claims for the related torts of Negligence and Wrongful Discharge were incorrectly dismissed because sovereign immunity does not apply. The

circuit court dismissed Count V–Negligence and Count VI–Wrongful Discharge for preemption under MFEPA, but Ms. Stepp does not address this issue.

The doctrine of sovereign immunity provides that no action in contract or tort may be maintained against the State, unless there has been specific legislative consent and funds have been allocated to satisfy any potential judgment. *Dep’t of Nat’l Resources v. Welsh*, 308 Md. 54, 58–59 (1986). The General Assembly must waive sovereign immunity either expressly or by necessary implication. *Katz v. Washington Suburban Sanitary Comm’n*, 284 Md. 503, 508–09 (1979). A waiver of immunity must be clear within the scope of the agency’s duties. *Id.* at 513. In this case, Ms. Stepp has not alleged any facts to indicate that the General Assembly enacted a waiver of immunity for UMCES, nor has she cited any authority that sovereign immunity is waived for the purpose of her claims. Accordingly, the circuit court properly dismissed Count V–Negligence with prejudice.

Plaintiffs may raise inconsistent counts in their complaint. Md. Rule 2-303(c). When there is a clear mandate of public policy, a claim for wrongful discharge is available when there is no statutory relief available to a plaintiff. *Adler v. American Standard Corp.*, 291 Md. 31, 40 (1981). In this context, the circuit court correctly dismissed Count VI–Wrongful Discharge because of the MFEPA counts. However, that dismissal should have been without prejudice. On remand, Ms. Stepp may plead inconsistent counts, but she must be careful not to include contradictory allegations in each count that would defeat their purpose.

Ms. Stepp contends the common law tort claims of Invasion of Privacy, Intentional Infliction of Emotional Distress, Civil Conspiracy, Loss of Consortium and Breach of Contract were all improperly dismissed, as sovereign immunity is inapplicable to UMCES because the “tyrannical rejection of Ms. Stepp’s faith and medical disability is malicious.” UMCES argues that State personnel are immune from suit for liability under Negligence or other non-malicious tortious conduct arising out of the performance of their duties for the State. The court dismissed all Ms. Stepp’s tort claims for failure to plead the requisite elements within each count, noting Ms. Stepp failed to plead facts showing the actions were outside the scope of employment. Again, Ms. Stepp failed to allege any facts or cite any authority that the General Assembly had waived sovereign immunity on her claims. *See Katz*, 284 Md. at 508. As such, we affirm the circuit court’s dismissal with prejudice of Counts VII through XI.

1. Count V–Negligence

Ms. Stepp argues UMCES’s sovereign immunity defense fails because “bigotry and retaliation for religion and one’s disability” constitutes “malice.” However, the circuit court dismissed Count V for preemption under the other MFEPA discrimination claims.

The prohibition against duplicative counts applies broadly to civil proceedings. *Cooksey v. State*, 359 Md. 1, 27 (2000). The court in *Perry v. FTData, Inc.*, reasoned “if a count does nothing more than duplicate a count brought under Title VII or MHRA,^[3] then that count should be dismissed.” 198 F. Supp 2d 699, 707–08 (D. Md. 2002).

^[3] Maryland Human Relations Act.

Ms. Stepp “adopts and realleges each and every allegation of her Complaint as though fully set forth herein.” Ms. Stepp further argues that Dr. Goodwin, Ms. Ross, and UMCES breached their duty to provide a “harassment-free work environment” and their failure to do so caused Ms. Stepp “great distress in public settings and in fact terminated her from employment.” Despite this claim, Ms. Stepp fails to put forth any facts that support her claim. We have established that complaints pleading tort claims must plead each element with specificity. *See Tavakoli-Nouri v. State*, 139 Md. App. 716, 728–29 (2001).

Even if we accept Ms. Stepp’s contention and assume, *arguendo*, that sovereign immunity does not apply, we are not convinced that the conduct pled was sufficient to state a claim for Negligence. Ms. Stepp’s Amended Complaint asserts that Dr. Goodwin and Ms. Ross had a duty to ensure Ms. Stepp’s health information was protected and that they breached this duty. However, no facts demonstrate how the alleged conduct rises to the level necessary to establish a breach of any duty owed to Ms. Stepp beyond mere bald, conclusory statements in the Amended Complaint that mirror the exact allegations under the discrimination counts.

The circuit court properly dismissed Count V–Negligence for its being duplicative under the other MFEPA counts. We add that Ms. Stepp also failed to plead the essential elements of Negligence, so dismissal with prejudice was proper.

2. Count VI–Wrongful Discharge

Ms. Stepp provides the same argument of “malice” in support of her argument, which we have already addressed above. Our analysis for Count V–Negligence applies to Count VI–Wrongful Discharge, as the circuit court dismissed both counts as the proper remedy should have been brought under the MFEPA. *See supra* Section C1.

In cases where public policy sought to be vindicated by the tort is expressed in a statute which carries its own remedy for vindicating that public policy, the tort of abusive discharge will fail. *Chappell v. S. Maryland Hosp., Inc.*, 320 Md. 483, 490 (1990). We agree with the circuit court that, as plead, Count VI is duplicative, as the proper remedy for Ms. Stepp would arise under MFEPA. Accordingly, we affirm the circuit court’s dismissal of Count VI with prejudice. *Id.*

3. Count VII–Invasion of Privacy

Ms. Stepp’s Amended Complaint alleges an Invasion of Privacy under the theory of an “unreasonable intrusion upon the seclusion of another.” Our Supreme Court has held the determining factor of whether an invasion of privacy had occurred is reasonableness under the facts presented. *Klipa v. Bd. of Educ. of Anne Arundel Cnty.*, 54 Md. App. 644, 654–55 (1983) (citing *Beane v. McMullen*, 265 Md. 585, 600–01 (1972)). Ms. Stepp contends that her privacy was violated because UMCES “had a duty to ensure that [Ms. Stepp] had her health and personnel information protected and that it remained private” and UMCES still “demanded her private religious, health, DNA/Genetic and personal information.” In support of this count, Ms. Stepp alleges she felt “discomfort” at the

potential for her non-vaccinated status to be shared. While the number of unvaccinated employees in the UMCES Presidential Office was reported to the Executive COVID-19 Council, no facts alleged that Ms. Stepp was publicly identified in an invasion of her privacy. As currently pled, no sufficient nexus ties Ms. Stepp's invasion of privacy to UMCES actions. We therefore affirm the circuit court's dismissal of Count VII—Invasion of Privacy with prejudice.

4. Count VIII—Intentional Infliction of Emotional Distress

Ms. Stepp maintains that sovereign immunity is inapplicable to UMCES because the “tyrannical rejection of Ms. Stepp’s faith and medical disability is malicious.” UMCES argues that State personnel are immune from suit for liability as to non-malicious tortious conduct, including Intentional Infliction of Emotional Distress, arising out of the performance of their duties for the State.

Even if we draw all inferences in Ms. Stepp’s favor, we cannot say she has alleged facts sufficient to show that she experienced conduct that rose to the level required for Intentional Infliction of Emotional Distress. For example, Ms. Stepp alleges she “began to feel discomfort” when asked to share her planned requests for a COVID-19 vaccine mandate exemption. However, the alleged distress must be sufficiently severe to state a claim for intentional infliction of emotional distress. *See Thacker v. City of Hyattsville*, 135 Md. App. 268, 315 (2000) (concluding summary judgment was appropriate as plaintiff’s claims of fear, subsequent humiliation, and general distrust all fell far below the required pleading standard for intentional infliction of emotional distress claims.). To recover a

defendant's conduct must be "so extreme, in degree as to go beyond all possible bounds of human decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." *Batson v. Shiflett*, 325 Md. 684, 736 (1992), quoting *Restatement (Second) of Torts* § 6, comment d (1965). Ms. Stepp's claim of "discomfort" fails to demonstrate how she suffered emotional distress, as no facts alleged rise to the level of extreme and outrageous conduct. *Tavakoli-Nouri*, 139 Md. App at 728–29. The circuit court correctly held that Ms. Stepp's Amended Complaint failed to plead the necessary elements, and we affirm their dismissal of Count VIII–Intentional Infliction of Emotional Distress with prejudice.

5. Count IX–Civil Conspiracy

The Amended Complaint alleges that UMCES entered into a financial and contractual agreement which included "advancing the inserts of forced 'vaccination' with experimental COVID-19 vaccines, including those owned or patented by NIH^[4] or CDC^[5] or Dr. Fauci." The Amended Complaint also states that UMCES engaged in overt acts to advance their conspiracy via their "mutual agreement to deny the religious exemption, deny entry to UMCES, and join together in the tortious conduct of termination...because of [Ms. Stepp's] religious faith and medical status."

Beyond the above cited statements in Count IX, no other factual allegations in the Amended Complaint support Ms. Stepp's claim of Civil Conspiracy. We have established

^[4] National Institutes of Health.

^[5] Centers for Disease Control.

that facts require sufficient specificity, as bald assertions and conclusory statements are not sufficient support for pleadings. *Adamson*, 359 Md. at 245. A civil conspiracy consists of a confederation of two or more persons with some unlawful act done in furtherance of the conspiracy and actual legal damage resulting from the act. *Van Royen v. Lacey*, 262 Md. 94, 97–98 (1971). The Amended Complaint, which, at best, is a word salad of NIH, CDC, and Dr. Fauci,⁶ provides no facts in support of the Civil Conspiracy claim, offering no explanation of how the claim applies to Ms. Stepp’s employment at UMCES or facts in support of this allegation. Even if we assume Ms. Stepp’s claim as true, Count IX would not provide a basis for relief as it contains no allegations that support the Ms. Stepp’s claim. Accordingly, we affirm the circuit court’s dismissal of Count IX–Civil Conspiracy with prejudice.

6. Count X–Loss of Consortium

The Amended Complaint alleges Loss of Consortium, stating the “elimination of financial support from employment” forced Ms. Stepp and her husband [“Mr. Stepp”] to withdraw funds from their savings, lose their family tuition education benefits, and that this resulted in an emotional injury. The circuit court held that Ms. Stepp failed to sufficiently plead any facts that show how UMCES’s actions caused the level of emotional injury required for a loss of consortium claim.

⁶ During the COVID pandemic, Dr. Anthony S. Fauci was the Director of the National Institute of Allergy and Infectious Diseases, one of the Institutes that make up NIH.

Loss of Consortium claims arise from the loss of society, affection, assistance, and fellowship suffered by the marital unit resulting from the tortious conduct of a third party that results in physical injury to one spouse. *Deems v. W. Maryland Ry. Co.*, 247 Md. 95, 100 (1967). To recover under Loss of Consortium, there must be a showing of a “resultant change” in the marriage partner linked to the alleged injury. *Oaks v. Connors*, 339 Md. 24, 33–34 (1995).

Notably, Ms. Stepp is not claiming a physical injury. However, Ms. Stepp contends that her family was “greatly harmed emotionally and incurred loss of income, property, and benefits...also damaging Mr. Stepp.” The pled facts do not demonstrate a resultant damage to the marital relationship as a compensable injury. *Id.* Ms. Stepp provided no financial calculation of the total funds she withdrew to support her allegations, failing to demonstrate a resultant change and an alleged injury as required under Loss of Consortium claims. Although the pleading rules do not require Ms. Stepp prove every element of her claim, the rules *do* require sufficient specificity which fails to appear in Ms. Stepp’s Amended Complaint. We therefore affirm the circuit court’s dismissal of Count X—Loss of Consortium with prejudice.

7. Count XI—Breach of Contract

Ms. Stepp contends it was premature to dismiss the Breach of Contract claim (and tort claims discussed *supra*) because sovereign immunity does not apply under Md. Code Ann., State Gov’t § 20-903. UMCES argues the circuit court properly dismissed Ms.

Stepp's Breach of Contract claim as it was filed after the statutory deadline and thus, the State retains its immunity.

It is well established that one-year period waiver of the State's sovereign immunity is no mere statute of limitations, but instead a condition to the assertion of the right itself. *State v. Sharafeldin*, 382 Md. 129, 148–49 (2004). State Government Article § 12-201 must be read with § 12-202, meaning claims are barred by sovereign immunity unless the claimant files within one year. Claimants must file within one year after (1) the date the claim occurred; or (2) the completion of the contract that gives rise to the complaint, whichever occurs later. Md. Code Ann., State Gov't § 12-202.

UMCES contends that State Gov't Article § 12-202 is a limited waiver of sovereign immunity. Ms. Stepp contends it is a statute of limitations that is tolled until all other remedies are exhausted. We agree with UMCES. Section 12-202's provision sets forth the time period during which sovereign immunity is waived. If the suit is filed after that time frame, the claim is barred. Nothing in the statute suggests that this limited waiver of sovereign immunity could be stayed or tolled. This limited waiver sets a claim for breach of contract apart from any other claim that Ms. Stepp might have had.

Because Ms. Stepp did not bring the Breach of Contract claim within the one-year date of being terminated on March 5, 2022, it can no longer be raised. We are further unpersuaded by Ms. Stepp's argument that sovereign immunity may not be raised by the State in an employment discrimination case. *See* Md. Code Ann., State Gov't § 20-903. As Breach of Contract is a separate count and thus not relevant under State Gov't § 20-903,

the circuit court correctly dismissed this claim as it was barred. Thus, we affirm the circuit court's dismissal with prejudice on Count XI–Breach of Contract.

D. Dismissal With Prejudice of Counts I, II, III and IV: Reversed

Ms. Stepp contends Counts I through IV were incorrectly dismissed, as she provided sufficient information to well-plead her case. UMCES argues dismissal of Counts I through IV was proper because Ms. Stepp's Amended Complaint failed to plead her religious practices or beliefs, qualifying disability, genetic information, and the necessary requirements for a retaliation claim. Because the retaliation relates to the religious, disability, and genetic information discrimination counts, our review centers on whether the circuit court's dismissal of these four counts for failure to state a claim was legally correct based on Ms. Stepp's Amended Complaint.

Plaintiffs in employment discrimination cases need not establish a prima facie case to survive a motion to dismiss, as the pleading standard was never intended to be an evidentiary one. *Swierkiewicz v. Sorema*, 534 U.S. 506, 511 (2002). However, employment discrimination complaints must still satisfy the rules of civil procedure,⁷ including fair

⁷ The United States Supreme Court considered what allegations sufficiently supported an employment discrimination claim at the pleadings stage in *Swierkiewicz v. Sorema*. 534 U.S. at 510. The Court concluded that petitioner met the pleading threshold for his employment discrimination, emphasizing that petitioner's employment discrimination claims based on his national origin in violation of Title VII and his age in violation of the Age Discrimination in Employment Act were supported within his detailed complaint by facts that provided a connection to the events leading up to his ultimate termination, his identification of relevant dates in relation to the alleged discrimination, and his inclusion of the nationalities of the relevant persons involved in petitioner's ultimate termination. *Id.* at 514.

notice to the defendant and the specific grounds upon which the claims rest.⁸ As noted by the Maryland Rules of Civil Procedure, pleadings must contain the facts necessary to show the pleader's entitlement to relief or grounds of defense. Md. Rule 2-303(b). Sufficient complaints must still state a cause of action, even if they relate just the facts necessary to establish elements. *Tavakoli-Nouri*, 139 Md. App. at 730.

Ms. Stepp's religious, disability, and genetic information discrimination counts allege that the discrimination was so severe and persuasive, it created a "hostile work environment." A hostile or an abusive work environment entails that the alleged discriminatory behavior be so sufficiently severe or pervasive, it alters the conditions of the individual's employment. *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21–23 (1993). The mere words "hostile work environment" are not talismanic, and it is the alleged facts that support those words that require proper focus at the motion to dismiss stage. *Bass v. E.I. DuPont de Nemours & Co.*, 324 F.3d 761, 764–65 (4th Cir. 2003).

Ms. Stepp contends dismissal was improper as she does not have to release any detailed documentation of her disability in her Amended Complaint at the pleading stage, and that any inquiries into Ms. Stepp's religion, disability, genetic discrimination, and its relationship to her COVID-19 vaccine exemption are unjustified. Ms. Stepp reasons she

⁸ For illustrative purposes, the complaint referenced in *Swierkiewicz v. Sorema* included detailed accounts of petitioner Mr. Swierkiewicz's changing of work duties based on his alleged age discrimination, stating "the bulk of his duties were transferred to Nicholas Papadopoulos, even though he was 16 years younger than Mr. Swierkiewicz" and in response to "when the decision was made, Mr. Swierkiewicz was told the action was taken to 'energize' the underwriting department." Brief for Petitioner, at *5–*8, *Swierkiewicz*, 534 U.S. 506 (2002) (No. 00-1853).

does not have to release her entire health information to the world to plead discrimination. UMCES argues dismissal was proper because Ms. Stepp's Amended Complaint failed to plead her qualifying disability or religious practices or beliefs. For the foregoing reasons, we affirm the trial court's findings that Ms. Stepp failed to adequately plead the required elements for Counts I through IV. However, we reverse the trial court's ruling that these counts be dismissed with prejudice for reasons that we will discuss below.

1. Count I—Religious Discrimination

Ms. Stepp contends her bona fide religious faith was adequately pled and improperly dismissed on appeal.⁹ UMCES argues the circuit court properly held that the Amended Complaint failed to plead her religious beliefs or practices. For the foregoing reasons, we affirm the circuit court's holding that Ms. Stepp failed to plead the necessary elements for a religious discrimination claim under MFEPA. MFEPA is inspired by the federal Title VII of the Civil Rights Act of 1964,¹⁰ so we look to the interpretation of federal courts on Title VII for guidance.¹¹

⁹ Ms. Stepp argues for the first time in the Reply Brief that her religious exemption request was denied by failure to accommodate. We need not discuss the failure to accommodate argument, as it was not raised through the proper instrument. *See Federal Land Bank of Baltimore, Inc. v. Esham*, 43 Md. App. 446, 459 (1979) (finding that the allowance of new claims or arguments to be injected into appeals via the function of the reply brief would defy the reply brief's purpose to respond to the points raised in the appellee's brief and as such the introduction of a new argument or claim through the reply brief would work a fundamental injustice against appellee).

¹⁰ 42 U.S.C. § 2000e.

¹¹ Federal court opinions do not serve as precedent but may be considered as persuasive authority, excluding the exception for the United States Supreme Court on

Not every religious belief is protected in the workplace, as Title VII protects employees' beliefs that are specifically religious in nature. *Menk v. MITRE Corp.*, 713 F. Supp. 3d 113, 146 (D. Md. 2024). Protected beliefs must be sincerely held and religious in nature. *Welsh v. United States*, 398 U.S. 333, 339 (1970). When considering an individual's beliefs, courts are in no position to question the centrality nor sincerity of the religious beliefs an employee pleads. *Hernandez v. Comm'r of Internal Revenue*, 490 U.S. 680, 699 (1989).

Although the determination of religious beliefs and practices is a sensitive inquiry, allowing every person to make their own standards on matters of conduct based on their religious beliefs is precluded by the very concept of ordered liberty. *Wisconsin v. Yoder*, 406 U.S. 205, 215–16, (1972). No employee is entitled to a “blanket exemption,” even if religion is expressly invoked in the communication of their beliefs. *Shigley v. Tydings & Rosenberg LLP*, 723 F. Supp. 3d 440, 446 (D. Md. 2024) (citing *Foshee v. AstraZeneca Pharms. LP*, Civ. No. SAG-23-00894, 2023 WL 6845425, at *4 (D. Md. Oct. 17, 2023)). For the sake of our review, Ms. Stepp has satisfied the sincerity element. Our review is limited to if Ms. Stepp's Amended Complaint adequately established facts to support a claim of religious discrimination.

In the first eighty-two paragraphs of Ms. Stepp's Amended Complaint, the only statements or allegations regarding her religion before the discrimination count are:

federal constitutional issues. *Peninsula Reg'l Med. Ctr. v. Adkins*, 448 Md. 197, 209 (2016).

1. On July 21, 2021, she contacted Ms. Ross to inform her she would be submitting a religious exemption to the Covid-19 vaccine and Ms. Ross inquired when she would notify Dr. Goodwin, to which Ms. Stepp replied she would inform him during her annual review although she felt “uncomfortable” with being pressured to disclose this information to Dr. Goodwin;
2. On July 29, 2022, she contacted Ms. Ross to let her know she would be providing her with religious and medical exemptions;
3. She submitted the mandated medical exemption forms requesting reasonable accommodations because of her religion that included exemption from the COVID-19 vaccine and an exemption to wear a mask on September 2, 2021;
4. Her accommodations request was allegedly granted for her disability, but were denied for her religion on September 3, 2021;
5. On September 10, 2021, Ms. Ross allegedly asked her to shred her religious request, as it was granted on medical grounds, which she understood to mean UMCES wanted no records of her religious request denial, but she refused to approve the shredding;
6. After her revelation to Ms. Ross for her request for a religious exemption, she began to experience different terms and conditions of her employment;
7. Her annual review took place on November 4, 2021, during which Dr. Goodwin advised her she should find “another institution that fits her needs,” which she took to mean her religious faith exemption request and was verbally offered a one-year severance package;
8. Dr. Goodwin was informed she would not take the vaccine on November 4, 2021;
9. On December 6, 2021, she reported the unlawful practices in writing to her supervisor Dr. Goodwin;
10. Instead of accommodating with her religious request, “proof of genetic manipulation with the mRNA experimental vaccine was demanded for proof;” and

11. On April 27, 2022, she filed a Charge of Discrimination against UMCES alleging religious discrimination and other counts.

In Ms. Stepp's religious discrimination count, the sole statement about her religion is that the "said discrimination was based on [Ms. Stepp's] religion (including her "religious observances, practice, and belief") MD Code S[tate] G[ov't §] 20-601 Definitions (Maryland Code 2023 Edition)."

Ms. Stepp did not sufficiently plead her religious belief. Nowhere in the Amended Complaint is there a description of Ms. Stepp's religion, practices, or beliefs¹² or its connection to her requested exemption from the COVID-19 vaccine. Relevant to Ms. Stepp's claim, MFEPA defines "religion" to include all aspects of religious observances, practice, and belief. Md. Code Ann., State Gov't § 20-601(j). Ms. Stepp contends that the State has no right to inquire into Ms. Stepp's religion and may not discriminate against Ms. Stepp for exercising her religious freedom in declaring her faith exemption from the COVID-19 vaccine. Yet claims based on religious discrimination do require some factual showing of the belief and practices. *Bass*, 324 F.3d at 764–65.

Ms. Stepp fails to plead any information about her beliefs and practices, as the Amended Complaint states her request was "because of her religion that included

¹² In the record before us, Ms. Stepp makes just two references to her religion beyond the mere words. First, in the transcript record during the hearing on the motion to dismiss held on February 6, 2024, where Ms. Stepp's counsel stated that the attached Maryland Commission for Civil Rights Complaint listed her religion as Christian, and second, in the Appellant's Principal Brief as an objection to the State's perceived intrusion into Ms. Stepp's "Christian religion." Despite these two references, our review is limited to the four corners of the Amended Complaint.

exemption from the COVID-19 vaccine and an exemption to wear a mask.” This alone is not sufficient to allege religious discrimination, as Ms. Stepp failed to identify how her objection to the COVID-19 vaccine and mask mandate connects to her religion. *See Shigley*, 723 F. Supp. 3d at 447 (holding “the plaintiff failed to adequately plead her objection to the COVID-19 vaccine was based on religious beliefs.”). In *Shigley*, the plaintiff’s Complaint failed to identify what her religion and beliefs were beyond her objection of vaccines derived from aborted fetal cell lines. *Id.* at 448. The plaintiff failed to connect her objection to her religious belief beyond alluding her to other religious individuals. *Id.* The court found that the Complaint fell short of alleging religious discrimination. *Id.* at 449.

We are further unpersuaded by Ms. Stepp’s argument that the State may not hold “Bible studies” to determine their approval of her religion. Mere inquiry into the relationship between the religious beliefs, practices, and its connection to an employment discrimination claim is often considered by courts in survival of a motion to dismiss.¹³

¹³ *Compare Ellison v. Inova Health Care Servs.*, 692 F. Supp. 3d 548, 558–59 (E.D. Va. 2023) (holding that plaintiff’s sincerely held religious belief in the sanctity of human life, his concern of the use of “aborted fetal cell lines” used to develop and test some of the vaccines, and his sincere belief that the use of the cells render the vaccines “unclean” were sufficient allegations regarding his subjective personal beliefs, how his beliefs relate to his faith, and how those beliefs form the basis of his objection to the COVID-19 vaccination were sufficient grounds for his claim to escape a motion to dismiss), *with Harvey v. Bayhealth Med. Ctr., Inc.*, 715 F. Supp. 3d 594, 601 (D. Del. 2024) (concluding plaintiff’s claim alleging religious discrimination after her religious exemption request from the COVID-19 vaccine was that “God would [not] want me to receive this vaccine and that she honors God by being the one to “choose” or “decide” what is allowed to enter her

Without the factual showing as to either a religious tenet or practice, a court cannot assess whether there has been religious discrimination. Because Ms. Stepp lacks sufficient facts to support her claim of religious discrimination, we affirm the circuit court's finding that Ms. Stepp failed to plead the necessary elements required.

2. Count II—Disability Discrimination

Ms. Stepp argues she must only plead that she has a “physical disability” or that there exists a “record of having a disability.” UMCES contends the Amended Complaint was properly dismissed as it fails to allege how Ms. Stepp is protected under MFEPA and how the purported harassing or discriminatory conduct was based on her disabilities.

MFEPA defines “disability” as one of the following: (1) a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy; or a mental impairment or deficiency; (2) a record of having a physical or mental impairment as otherwise defined under this subsection; or (3) being regarded as having a physical or mental impairment as otherwise defined under this subsection. Md. Code Ann., State Gov't § 20-601(b)(1).

In the first eighty-two paragraphs of Ms. Stepp's Amended Complaint, the only statements or allegations regarding her disability are that:

1. She submitted the mandated medical exemption forms requesting reasonable accommodations because of her medical disability that included exemption from the Covid-19 vaccine, exemption to wear a mask, and exemption from Covid testing at work on September 2, 2021;

body” were insufficient to survive the motion to dismiss stage because she was personally choosing her own standards).

2. Her request was purportedly granted for her disability on September 3, 2021;
3. UMCES demanded proof of “genetic manipulation with the mRNA experimental vaccine” for her continued employment instead of accommodating with her medical disability;
4. She filed with the Maryland Commission on Civil Rights on April 27, 2022, based on disability discrimination;
5. Instead of accommodating with her medical disability, “proof of genetic manipulation with the mRNA experimental vaccine was demanded for proof;”
6. Instead of accommodating with her disability request, “proof of genetic manipulation with the mRNA experimental vaccine was demanded for proof;” and
7. On April 27, 2022, she filed a Charge of Discrimination against UMCES alleging disability discrimination and other counts.

In her appellate brief, Ms. Stepp contends she pled her medical disability status “27” times through the course of her Amended Complaint. Yet these 27 citations merely mention the word “disability.” Throughout the Amended Complaint, Ms. Stepp uses the phrase “medical exemption” and “medical status” interchangeably with disability, without any description or explanation.¹⁴

¹⁴ The following references to “medical exemption” appear in Ms. Stepp’s Amended Complaint as follows:

1. She contacted Ms. Ross to inform her she would be submitting a medical exemption to the Covid-19 vaccine on July 21, 2021;
2. She contacted Ms. Ross again on July 29, 2021, to inform her she would be seeking a medical exemption;

We are unpersuaded Ms. Stepp sufficiently pled a discrimination claim. Pleadings must contain the facts necessary to show the pleader's entitlement to relief or grounds of defense. Md. Rule 2-303(b). While Ms. Stepp argues discrimination based on her disability, no facts explain Ms. Stepp's disability or how she qualifies as having a disability. Moreover, Ms. Stepp's shifts from using the word "disability" to "medical exemption" raise issue with the statutory language and definitions. Under MFEPA, the definition of disability does not include a medical exemption. Md. Code Ann., State Gov't § 20-601(b)(1). Ms. Stepp's claim of disability discrimination fails to state the facts necessary for a viable complaint's cause of action because she has not identified a disability and, instead, obfuscated the term by referring to her medical exemption. A complaint must allege "specific facts that, if true, would justify recovery under any established theory. *Tavakoli-Nouri*, 139 Md. App. at 730. Ms. Stepp's broad allegations of disability are too vague to determine whether they would justify a recovery.

Ms. Stepp argues she must only plead she has a "physical disability" or that there exists a "record of having a disability." Ms. Stepp's argument is misguided and unsupported, as pleadings must contain the statement of facts necessary to show the pleader's entitlement to relief. Md. Rule 2-303. To recover under MFEPA, Ms. Stepp must

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3. Since her revelation to Ms. Ross of her requests for medical exemptions and accommodations, she began to experience different terms and conditions of employment and harassment; and
 4. Her annual review took place on November 4, 2021, during which Dr. Goodwin advised her she should find "another institution that fits her needs," which she took to mean her medical exemption request and was verbally offered a one-year severance package.

allege enough facts that demonstrate how she qualifies for relief under the law. To avoid a motion to dismiss, Ms. Stepp was not required to prove her disability, but she was required to pass the threshold required for MFEPa claimants.¹⁵

Ms. Stepp further contends at the litigation stage that she does not have to release her entire health information to the world and to do so would subject “every disabled person in Dorchester County to medical harassment.” If health privacy is a concern of Ms. Stepp or other potential claimants, pleadings may be filed under a motion to seal¹⁶ for good cause shown in accordance with Rule 2-403. Of course, Ms. Stepp is not required to release her entire health information to the world to recover for disability discrimination. Part of seeking grounds for relief, however, includes a necessary statement of facts, and merely stating the words “disability” and “medical exemption” is patently insufficient, even in consideration of the lower evidentiary standard for employment discrimination cases at the pleading stage.

In Ms. Stepp’s disability discrimination count, the only statements or allegations regarding her disability are that she “was subjected to unwelcome discrimination” and that “said discrimination was based on [Ms. Stepp’s] disability.” Ms. Stepp also argues that her

¹⁵ See *Harmon v. Kaiser Permanente Ins. Co.*, 2025 WL 2080740 2025, at *7 (Md. App. July 24, 2025), pursuant to Rule 1-104.

¹⁶ During oral argument, counsel for Ms. Stepp was asked if she filed a Motion to Seal to keep her health information private. Ms. Stepp’s counsel confirmed she did not file to protect any information. Maryland Rule 20-201.1(d) sets forth a procedure by which a party can ask the court to seal a record. If Ms. Stepp has a valid basis to seal the record, this procedure would protect Ms. Stepp’s privacy while providing the court with sufficient information to assess whether she has a claim for which relief can be granted.

accommodation request was ignored. However, the Amended Complaint alleges that Ms. Stepp was granted her accommodation the day after her request. Despite stating that she was subjected to unwelcome discrimination based on her disability, Ms. Stepp failed to provide facts that demonstrate *how* she qualifies under MFEPA and *what* the alleged discrimination was. As such, the circuit court correctly held that Ms. Stepp's Amended Complaint failed to demonstrate how she qualifies for relief under MFEPA.

3. Count III—Genetic Information Discrimination

Ms. Stepp contends the circuit court took improper judicial notice for a motion to dismiss based on the discrimination based on genetic information claim. Ms. Stepp further argues that the circuit court “grievously took away from the Jury which Appellant has the sole authority to demand and receive as to all facts, regardless of the lower court’s view of defendants’ proffered facts.” UMCES argues the circuit court properly dismissed Ms. Stepp’s discrimination claim based on her genetic information because Ms. Stepp’s genetic information was never obtained nor used as a basis for any purported discrimination.

Judicial notice encompasses facts that are either (1) generally known within the jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Md. Rule 5-201(b). Judicial notice when requested by a party and supplied with the necessary information is mandatory. Md. Rule 5-201(d). Judicial notice may be taken at any stage of the proceeding. Md. Rule 5-201(f). In this case, the judicial notice concerned the methods and processes of COVID-19 testing and vaccines as outlined by the CDC. Notably, this issue concerned Ms.

Stepp's allegation in the Amended Complaint¹⁷ that UMCES demanded proof of "genetic manipulation with the mRNA experimental vaccine" for her continued employment instead of accommodating with her medical disability.

Genetic information is defined as information about "chromosomes, genes, gene products, or inherited characteristics." Md. Code Ann., State Gov't § 20-601 (2023). MFEPA § 20-601 applies the Insurance Article § 27-909(a)(3) and (a)(5), which defines a "genetic test" as a lab test of human chromosomes, genes, or gene products that is used to identify the presence or absence of inherited or congenital alternations in genetic material that are associated with disease or illness. Md. Code Ann., Ins. § 27-909(a)(3), (a)(5) (2023).

We are unpersuaded by Ms. Stepp's argument that judicial notice was inappropriate, as the circuit court was mandated to respond to UMCES's request for judicial notice. Md. Rule 5-201(d). These requests must be addressed when requested by a party and supplied with the necessary information. *Id.* UMCES requested the circuit court take judicial notice to the fact that COVID-19 polymerase chain reaction ("PCR") tests do not test human chromosomes, genes, or gene products, but rather collect the genes of the virus itself. In

¹⁷ The only references to any DNA or genetic information Amended Complaint are as follows:

1. Ms. Stepp requests not to be subjected to DNA testing by CDC withdrawn emergency use authorization PCR test to be permitted to work;
2. On April 27, 2022, she filed a Charge of Discrimination against UMCES which included genetic information discrimination; and
3. Ms. Stepp's alleges she was "discriminated against and harassed because of her genetic information (undisclosed and/or unvaccinated)."

support of that fact, UMCES presented scientific data from the CDC and other academic publications.

Ms. Stepp's contention that this issue is solely for the factfinder is misguided, as the circuit court was permitted to take judicial notice of the methods and processes of COVID-19 testing and vaccines by the CDC, when asked to by UMCES, and after reasoning that the facts and scientific data proffered by UMCES were either (1) generally known within the jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, and therefore, within the scope of Rule 5-201(d). We thus affirm the circuit court's finding that Ms. Stepp failed to sufficiently plead facts in support of a genetic information discrimination count.

4. Count IV—Retaliation

Ms. Stepp does not allege that the retaliation claim was sufficiently pled, only that the court erred in using the summary judgment standard. Ms. Stepp argues the circuit court erred in its dismissal of her retaliation claim, as Ms. Stepp adequately pled her disability status. We have already explained how Ms. Stepp failed to plead her disability above. *See* Section II.D.2 *supra*.

We decline to consider if Ms. Stepp pled her retaliation claim sufficiently, as Ms. Stepp did not properly brief this issue on appeal. An appellant is required to provide argument in their brief to support their position. Md. Rule 8-504(a)(6). Ms. Stepp's claim about retaliation proffers no argument why the circuit court erred in finding that the

retaliation claim was not sufficiently pled beyond their use of summary judgment standard, which hinders our review of this claim. *See Klauenberg v. State*, 355 Md. 528, 552 (1999). (concluding because appellant's brief proffered no argument beyond lumping abuse of discretion with the trial court's failure to exclude evidence, arguments not presented in the brief or presented without particularity will be considered waived upon appeal).

We cannot be expected to delve into Ms. Stepp's record and find factual support and law favorable to support their claim of retaliation. *Van Meter v. State*, 30 Md. App. 406, 408 (1976). Arguments not presented in a brief lacking particularity will not be considered, as it is not this Court's role to make speculations. *Klauenberg*, 355 Md. at 552. Without a sufficient disability discrimination claim, the retaliation count cannot exist on its own.

As a final matter, we ought to recognize that the circuit court did not explain its reasoning for dismissing Ms. Stepp's claims with prejudice as opposed to without prejudice. Although we observe the seriousness of the deficiencies in Ms. Stepp's Amended Complaint, we cannot say at this stage that Ms. Stepp is wholly unable to allege any facts that would entitle her to pursue her claims for relief based on discrimination of her religion, disability, genetic information and retaliation. *See Cagle v. Weill Cornell Med.*, 680 F. Supp. 3d 428, 440 (S.D.N.Y. 2023) (holding that a motion to dismiss was granted without prejudice was proper, as the plaintiff's failure to allege her religion and sincerely held religious beliefs justifying her objection or failure to comply with the COVID-19 vaccine mandate was a defect the plaintiff could presumably cure and thus a second change to plead

her claim was proper). Accordingly, we remand and direct the circuit court to alter its decision on Counts I through IV to a dismissal without prejudice.

III. CONCLUSION

While the circuit court properly granted UMCES's motion to dismiss on all eleven counts, the circuit court improperly dismissed Ms. Stepp's Amended Complaint with prejudice with respect to some counts. We affirm the dismissal with prejudice of Counts VII, VIII, IX, X and XI. Although we affirm the dismissal of Counts I, II, III and IV, we reverse the dismissal with prejudice and remand to the circuit court to dismiss these counts without prejudice. Because Ms. Stepp may be capable of remedying the flaws in her discrimination and retaliation counts, dismissal with prejudice was not entirely appropriate given that this was Ms. Stepp's first Amended Complaint. Ms. Stepp should thus be given the opportunity to remedy the deficiencies highlighted in this opinion, namely, the inclusion of sufficient facts linking her religious beliefs and disability to her claims of discrimination and subsequent retaliation.

**JUDGMENT OF THE CIRCUIT COURT
FOR DORCHESTER COUNTY
AFFIRMED IN PART; REVERSED IN
PART. CASE REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION. COSTS TO BE DIVIDED
EQUALLY BETWEEN THE PARTIES.**