

Orphans' Court for Montgomery County
Estate No. W87973

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1533
September Term, 2023
Nos. 1374, 1922, 2537
September Term, 2024

IN RE: ESTATE OF DINESH O. PARIKH

Nazarian,
Shaw,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, Christopher, J.

Filed: March 9, 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).

In these consolidated appeals,¹ Oxana Parikh (“Oxana”)² and Namish Parikh (“Namish”) challenge orders entered by the Circuit Court for Montgomery County, sitting as the Orphans’ Court,³ relating to the administration of the estate of Dr. Dinesh O. Parikh. The appellees are Lynn Boynton, Esq., who is the special administrator and a co-personal representative of the estate; Tina Parikh-Smith (“Tina”), Dr. Parikh’s daughter, who is the other co-personal representative; and Neelaben (“Neela”) Parikh, Dr. Parikh’s spouse.

In their briefs, appellants present numerous issues, most of which have been resolved by one or more of the previous decisions issued by us regarding the Parikh estate. There are three remaining issues properly before us:

- (1) Whether the Orphans’ Court erred in finding that Oxana and Namish are vexatious litigants who have acted in bad faith and without substantial justification such that the imposition of a pre-filing injunction against them is appropriate;

¹ On September 4, 2025, we granted Oxana’s and Namish’s motion to consolidate appeal No. 2537, September Term, 2024, with the previously consolidated appeals in No. 1533, September Term, 2023, and Nos. 1374 and 1922, September Term, 2024.

² Because several parties and interested persons in this matter share a surname, we will refer to some of the members of the Parikh family by their given names. We mean no disrespect. In their briefs, the parties use “him,” “his,” “she,” and “her” to refer to individuals in lieu of non-gender specific pronouns. We will do the same.

³ *See* MD. CODE, EST. & TRUSTS § 2-101 (“In the estates of decedents law, the word ‘court’ means the orphans’ court in a county, or the court exercising the jurisdiction of the orphans’ court in a county.”). A judge of the Circuit Court for Montgomery County “at the time sitting as the Orphans’ Court for the County shall have full power to do an act which the Orphans’ Court of the County is or shall be authorized to perform[.]” EST. & TRUSTS § 2-106(c).

(2) Whether the Orphans’ Court erred by granting judgments for attorneys’ fees and expenses to Ms. Boynton and her attorney, Tina and her attorney, and Neela and her attorney; and

(3) Whether the Orphans’ Court erred in appointing Tina as co-personal representative with Ms. Boynton, and then successor personal representative after Ms. Boynton was permitted to withdraw from her position.

Because our answer to each of these questions is no, we will affirm the judgment of the Orphans’ Court.⁴

BACKGROUND

1. The History

This Court has issued six unreported opinions relating to Dr. Parikh’s estate:

(1) *In re Estate of Parikh (Parikh I)*, No. 1226, September Term, 2017, 2019 WL 289999 (filed January 16, 2019), *cert. denied sub nom. Matter of Estate of Parikh*, 464 Md. 597 (2019);

(2) *Matter of Estate of Parikh (Parikh II)*, No. 1480, September Term, 2017, 2020 WL 1330205 (filed March 23, 2020), *cert. denied*, 469 Md. 665 (2020);

(3) *Parikh v. Boynton (Parikh III)*, No. 2366, September Term, 2019, 2021 WL 1293203 (filed April 7, 2021);

(4) *Matter of Estate of Parikh (Parikh IV)*, No. 941, September Term, 2020, 2021 WL 4439267 (filed September 28, 2021), *cert. denied*, 477 Md. 158 (2022);

⁴ On January 14, 2025, Tina filed a motion requesting that we declare appellants to be vexatious appellate litigants and to issue an order to enjoin them from filing further appeals until a final accounting for the Estate has been completed. Appellants filed an opposition to the motion, and Tina and Ms. Boynton filed responses to appellants’ motion.

On February 3, 2025, this Court denied the motion “without prejudice to the appellees to seek further appropriate sanctions pursuant to Maryland Rule 1-341.”

(5) *Parikh v. Boynton (Parikh V)*, No. 1057, September Term, 2021, 2022 WL 1164972 (filed April 20, 2022); and

(6) *Matter of Estate of Parikh (Parikh VI)*, No. 807, September Term, 2022, 2023 WL 3614320 (filed May 18, 2023), *cert. denied sub nom. In re Estate of Parikh*, 485 Md. 138 (2023).

We will draw liberally from our earlier opinions in providing the following synopsis of the convoluted history of this litigation.

Dr. Dinesh O. Parikh, a resident of Montgomery County, executed a will dated July 30, 2014. In it, he left his entire estate to Oxana Parikh, the former wife of his son Namish.⁵ The will designated Oxana as the personal representative of the estate. The will made no provision for Namish, nor for Dr. Parikh’s spouse, Neela, nor for his daughter, Tina.

At or around the same time, Dr. Parikh signed a durable power of attorney, naming Oxana as his attorney-in-fact. Using the power of attorney, Oxana began to liquidate Dr. Parikh’s assets. Oxana used some of the proceeds of this process to transfer approximately \$1.14 million to Namish. Additionally, and shortly before Dr. Parikh’s death, Oxana filed a divorce action in Dr. Parikh’s name against Neela in North Carolina.⁶

Dr. Parikh passed away in 2016. Oxana filed a petition with the Orphans’ Court to admit the 2014 will for probate and to appoint her as personal representative. The court

⁵ Oxana and Namish were divorced in 2010.

⁶ Neela denied consenting to the divorce or knowing anything about the divorce proceeding. She later moved to vacate the North Carolina judgment of divorce.

granted the petition. Tina filed a petition to caveat the will, claiming that Oxana and Namish had fraudulently influenced Dr. Parikh in its creation.⁷ Tina also sought to remove Oxana as personal representative and requested that the Orphans' Court appoint a successor representative. Following a hearing, the Orphans' Court removed Oxana as personal representative and appointed Lynn Boynton, Esq., as special administrator of the estate.⁸ Ms. Boynton then filed a civil action in the Circuit Court for Montgomery County seeking recovery of the funds that Oxana had transferred to Namish prior to Dr. Parikh's death. Additionally, Tina filed a caveat proceeding in the Orphans' Court challenging the validity of Dr. Parikh's will.

At this juncture, Oxana, Namish, Tina, Neela, and Ms. Boynton agreed to mediate their disputes regarding Dr. Parikh's estate. With the assistance of a mediator and their respective counsels, they entered into an agreement that should have resolved the differences between them. The agreement provided that, after payment of expenses, 57% of the estate would be paid to Namish and 43% would be paid to Tina and Neela.⁹ In addition, Oxana would be reimbursed for some of her expenditures on behalf of the estate. Ms. Boynton's action to recover assets from Namish and the caveat proceeding

⁷ The procedural history of the early stages of the administration of Dr. Parikh's estate are described in detail in *Parikh I*, 2019 WL 289999, at *2–11.

⁸ See EST. & TRUSTS § 6-401(a)(1) (authorizing the Orphans' Court to appoint a special administrator for an estate "if it is necessary to protect property before the appointment and qualification of a personal representative").

⁹ Tina and Neela's share was to be divided in accordance with an agreement between them.

were dismissed. It appears that the assets of the estate consisted primarily of cash and securities.

Oxana and Namish deposited the disputed funds in the Court’s registry pursuant to the consent order. However, shortly thereafter, they attempted to repudiate the terms of the agreement. Tina filed an emergency motion to enforce it. After a hearing, the Orphans’ Court granted Tina’s motion and ordered performance of the terms of the settlement agreement. The Court’s judgment triggered the first in a series of appeals filed by Oxana and Namish that provide the context of the parties’ current contentions. We will now summarize them.

In *Parikh I*, we held that the settlement agreement was binding and enforceable, and we affirmed the Orphans’ Court’s approval of the agreement. We also found no infirmity in Ms. Boynton’s authority to act as special administrator of the estate.

In *Parikh II*, we addressed issues relating to the administration of the estate and reaffirmed the enforceability of the settlement agreement.

In *Parikh III*, we affirmed the Orphans’ Court’s orders rejecting Oxana’s and Namish’s claims of fraud, mistake, and irregularity in the caveat proceeding. We also granted Ms. Boynton’s motion for sanctions on the ground that she was entitled to recover attorneys’ fees pursuant to Md. Rule 1-341(a) because, among other things, Oxana’s and Namish’s contentions that it was improper for Ms. Boynton to use her married name for professional purposes was “patently frivolous and devoid of any colorable claim” and warranted “a finding of both bad faith and lack of substantial justification.” *Parikh III*, 2021 WL 1293203, at *9 (cleaned up). We remanded the case to

the Orphans' Court to determine the amount of attorneys' fees to which Ms. Boynton was entitled.

In *Parikh IV*, we addressed Oxana's and Namish's challenges to twenty-one orders issued by the Orphans' Court and affirmed all of them. We explained that, as a result of our affirmance of the validity of the settlement agreement in *Parikh I*, Oxana's status as a non-beneficiary and non-interested person in the estate was established, and that the Orphans' Court was correct when it concluded that "Oxana's interest in the estate was limited to the issue of the award of attorneys' fees against her[.]" *Parikh IV*, 2021 WL 4439267, at *2. We also held that Ms. Boynton was again entitled to attorneys' fees for defending the appeal because appellants' arguments were baseless and lacking in merit. We remanded to the Orphans' Court to determine an appropriate fee award.

In *Parikh V*, we affirmed the Orphans' Court's judgment that Oxana and Namish had filed multiple motions in the estate litigation in bad faith and without substantial justification. Once again, we awarded Ms. Boynton attorneys' fees and costs incurred in opposing the motions in the Orphans' Court and on appeal.

Most recently, in *Parikh VI*, we concluded that Oxana's and Namish's appeal of the Orphans' Court's order for them to appear in that court and show cause why they should not be declared vexatious litigants was premature because the Orphans' Court had not held a hearing on the matter. We also held that the Orphans' Court was required to provide the "the litigants notice and an opportunity to be heard before granting a prefiling injunction." *Parikh VI*, 2023 WL 3614320, at *4. Additionally, we affirmed the Orphans' Court's denial of Namish's petition to transmit issues to the Orphans' Court for a decision

by a jury. We explained that Namish’s contentions that the Orphans’ Court erred as to this issue were “comprehensively without merit” and “barred under the law of the case doctrine.” *Id.* at *3.

Finally, we once again concluded that Oxana’s and Namish’s continuing attacks on the validity of the settlement agreement were without substantial justification and amounted to “intentional efforts to delay the administration of the estate.” *Id.* at *4. After concluding that sanctions against Oxana and Namish were again appropriate, we remanded the case to the Orphans’ Court for a determination of the costs and fees incurred by Ms. Boynton in defending “this unjustified and frivolous appeal” pursuant to Md. Rule 1-341. *Id.*

2. *Two Relevant Legal Concepts*

The outcome of most of the contentions raised by Oxana and Namish in these appeals turn on the application of one or the other of two well-settled legal concepts.

The first is the law of the case doctrine. As our Supreme Court explained more than six decades ago:

It is the well-established law of this state that litigants cannot try their cases piecemeal. They cannot prosecute successive appeals in a case that raises *the same questions that have been previously decided by this Court* in a former appeal of that same case; and, furthermore, they cannot, on the subsequent appeal of the same case *raise any question that could have been presented in the previous appeal* on the then state of the record, as it existed in the court of original jurisdiction.

Fid.-Baltimore Nat’l Bank & Tr. Co. v. John Hancock Mut. Life Ins. Co., 217 Md. 367, 371–72 (1958) (emphasis added); *see also Holloway v. State*, 232 Md. App. 272, 282,

(2017) (“In Maryland, the law of the case doctrine applies to both questions that were decided and questions that could have been raised and decided.”). For this reason, “[o]nce an appellate court has answered a question of law in a given case, the issue is settled for all future proceedings.” *Stokes v. Am. Airlines, Inc.*, 142 Md. App. 440, 446 (2002).

The reason for the law of the case doctrine is well-established. Without it, “any party to a suit could institute as many successive appeals as the fiction of his imagination could produce new reasons to assign as to why his side of the case should prevail, and the litigation would never terminate.” *Fid.-Baltimore Nat’l*, 217 Md. at 372.¹⁰

For the most part, the contentions presented by appellants in the current appeals challenge Orphans’ Court rulings that were addressed or could have been addressed in one or more of their previous appeals. Reconsideration of our earlier holdings is precluded by the law of the case doctrine.

Second, it is appellants’ obligation to “to articulate and adequately argue all issues the appellant desires the appellate court to consider in the appellant’s initial brief.”

¹⁰ There are exceptions to the law of the case doctrine. It does not apply when: (1) the evidence in a subsequent trial is substantially different from what was before the court in the initial appeal; (2) a controlling authority has made a contrary decision in the interim on the law applicable to the particular issue; or (3) the original decision was clearly erroneous and adherence to it would work a manifest injustice.

Baltimore County v. Fraternal Ord. of Police, Baltimore County Lodge No. 4, 449 Md. 713, 730 (2016).

Appellants do not assert that any of these exceptions apply in the cases before us. We agree.

Westminster Mgmt., LLC v. Smith, 486 Md. 616, 674 (2024) (quoting *Oak Crest Vill., Inc. v. Murphy*, 379 Md. 229, 241 (2004)). For this reason, “[i]f a point germane to the appeal is not adequately raised in a party’s brief, the court may, and ordinarily should, decline to address it.” *Id.* (quoting *DiPino v. Davis*, 354 Md. 18, 56 (1999)); see also *Konover Prop. Tr., Inc. v. WHE Assocs., Inc.*, 142 Md. App. 476, 494 (2002) (“We will not rummage in a dark cellar for coal that isn’t there. It is not this Court’s responsibility to attempt to fashion coherent legal theories to support appellant’s sweeping claims.”). Many of the contentions presented by appellants are inadequately briefed and fail for that reason.

ANALYSIS

Our analysis is divided into three parts. In Part I, we will resolve pending motions filed by appellants in these appeals. In Part II, we will address the substantive contentions presented by appellants in their briefs. In Part III, we will discuss the Orphans’ Court’s entry of an order stating the Oxana and Namish are vexatious litigants and restricting their ability to file motions, pleadings, and other court papers in the Orphans’ Court and the circuit court.

I. The Pending Motions

As of September 4, 2025, there were five motions filed by appellants that were pending in this Court. One was appellants’ motion to consolidate the four pending appeals, which we granted on that day. We turn to the remaining motions, all of which we deny.

The first of these is appellants’ “Motion for Judicial Notice of USDC ECF 56” (filed August 1, 2025). The motion refers to a letter order filed by the United States District Court in *Parikh v. Frosh*, 22-cv-00110-PX, 2023 WL 131043 (D. Md. Jan. 9, 2023), *aff’d in part, vacated in part sub nom., Parikh v. Brown*, 2024 WL 2764720 (4th Cir. 2024). We can, and often do, take judicial notice of orders of other tribunals. *See, e.g., Abrishamian v. Washington Med. Grp., P.C.*, 216 Md. App. 386, 413–14 (2014). We will do so here.

In *Parikh v. Frosh*, Oxana alleged that her constitutional rights were violated in various ways by the Orphans’ Court in the Parikh estate litigation and sought to overturn virtually all the orders entered by the Orphans’ Court after September 2016. These contentions did not fare well with the District Court, which dismissed her complaint with prejudice, found her to be a vexatious litigant, and entered an injunction prohibiting her from filing further pleadings without permission of the Court.

Oxana appealed the District Court’s judgment. The Court of Appeals for the Fourth Circuit affirmed the dismissal of the complaint but vacated the injunction and remanded the case to the District Court to afford Oxana an opportunity to respond to the sanctions motion. On remand, and after affording Oxana with an opportunity to respond to the motion, the District Court denied the sanctions motion for reasons unrelated to the issues raised in these appeals. The judgments of the federal courts in the *Parikh v. Frosh* litigation provide no support to appellants’ current contentions.

The second motion is appellants’ “Motion to Strike ‘Imposter’ Pendleton’s Answering Briefs.” We have previously addressed appellants’ thoroughly debunked *idée*

fixe that Ms. Boynton is an “imposter” because she has chosen to use a different surname in her private life. *See, e.g., Parikh V*, 2022 WL 1164972, at *3 n.1 (“[W]e addressed appellants’ arguments that Ms. Boynton is a ‘fictional character’ and ‘non-existent’ person without legal standing to file suit in *Parikh III* and *Parikh IV*” and found them lacking.); *Parikh III*, 2021 WL 1293203, at *8–9 (“SA Boynton makes a compelling argument that . . . appellants crossed the line that separates legitimate advocacy from vexatious and abusive litigation. For example, in their never-ending efforts to discredit and personally attack SA Boynton, appellants likened SA Boynton’s use of her former married name to a ‘pseudonym.’ We conclude that [appellants’ actions] warrant[] a finding of both bad faith and lack of substantial justification.”).

Our holdings in *Parikh V*, *Parikh IV*, and *Parikh III* establish that Ms. Boynton is not disqualified from serving as special administrator to Dr. Parikh’s estate because she uses a different surname in her private life. These holdings are now one facet of the law of this case.¹¹

The third motion is titled “Motion to Strike ‘Non-Interested-Person,’ sometimes Dr. Parikh’s ‘Wife,’ and sometimes Trust beneficiary, Tina Parikh-Smith’s Answering Brief” In this motion, appellants assert that Neela and Tina do not have standing because neither of them were beneficiaries under Dr. Parikh’s will. This contention is without

¹¹ Our prior holdings notwithstanding, Oxana and Namish assert in the present appeals that the use of different surnames is fraudulent and that Ms. Boynton therefore “feigned being appointed personal representative” of the estate. These contentions are completely meritless.

merit. It is the settlement agreement that the parties reached as a result of the mediation process that defines the parties' rights and obligations. Tina and Neela are distributees under the terms of that agreement.

The fourth pending motion is titled "Motion for Criminal Referral of 'Joseph M. Griffin,' 'Paul J. Maloney,' 'Robert Grant,' 'James Debelius,' and 'Lynn C. Pendleton' for Concealing the Truth and Fabricating Counterfeit Document for Docketing to Facilitate a Theft of Almost One Million Dollars, vel non, Which at least Would Amount to Obstruction of Justice."

Mr. Maloney is counsel to Tina, Mr. Grant is counsel to Neela, and Mr. Debelius is counsel to Ms. Boynton in her capacity as special administrator to the estate. Mr. Griffin served as the Register of Wills for Montgomery County from 1998 until his death in August 2025. In the motion, appellants ask us to refer these individuals to the State's Attorney for Montgomery County for a criminal investigation to determine if probable cause exists to charge them with fabricating an order by a judge of the Orphans' Court. They do not explain how this Court has the authority to take such an action. Nor do appellants point to facts in the record that even remotely support their contentions. These failures are dispositive. *See Konover Prop. Tr.*, 142 Md. App. at 494 ("We will not rummage in a dark cellar for coal that isn't there. It is not this Court's responsibility to attempt to fashion coherent legal theories to support appellant's sweeping claims.").

II. The Current Appeals

In their briefs, Oxana and Namish present twenty-nine contentions as to why the judgments entered against them should be reversed.¹² Issues 5 through 8 pertain to the

¹² Appellants' issues are

1. Inchoate executory contract nonetheless failed due to failure to fully/timely perform[.]
2. OC lacks jurisdiction to consider “issue of who was entitled to” Duke stocks[.]
3. Neela/Tina are not “wives[.]”
4. Fraudulently procured OC order fabricating “incest,” approving bigamy, altering Will and filing fraudulent state/federal “married” joint tax returns[.]
5. Appealed orders Dkts. 520, 521, 538, 541, 564-68, 581, 582, and 587[.]
6. Dkt. 538: CC has no jurisdiction over Estate matter[.]
7. Assuming jurisdiction, Dkt. 538 is still flawed[.]
8. CC relied on a reversed USDC order as predicate[.]
9. Appellants have been pro se since 6/28/17[.]
10. Dkt. 582/587 contains no citation to rules, statutes, or case law[.]
11. Challenge to inchoate executory contract with failed condition is/was “colorable[.]”
12. OC has no law-of-the-case doctrine (LCD) – it would defeat purpose of OC[.]
13. No fees “actually incurred,” i.e., paid “out-of-pocket” to defend against a specific position[.]
14. Total fees/costs unlawfully included fees for repeated untimely sanctions[] motions[.]
15. Each party waived attorneys' fees in so-called agreement[.]
16. Double counting fees for duplicate work[.]
17. Fees/cost for Pendleton/Debelius are unlawful because she was never appointed[.]
18. No bank statements to support value of Estate funds[.]
19. Approx. \$1 million in fines/fees/cost to administer an estate is excessive – thus unconstitutional[.]

(Footnote Continued)

Orphans' Court's conclusion that Oxana and Namish are vexatious litigants and restricting their right to file court papers in the circuit court or the Orphans' Court in any action involving Dr. Parikh's estate. In Issue 19, appellants argue that the attorneys' fees awards in the Parikh estate litigation are excessive.

Appellants' remaining contentions were: (1) raised in previous appeals and were denied, (2) could have been raised in a previous appeal, and/or (3) are inadequately briefed in the current appeals. Under the first two scenarios, the law of the case doctrine prevents appellants from raising them in the current appeal. *See, e.g., Holloway*, 232 Md. App. at 282 ("In Maryland, the law of the case doctrine applies to both questions that were decided and questions that could have been raised and decided" in a prior appeal.). Under the third, appellants have waived their rights to present the contentions because their briefs are inadequate. *See Westminster Mgmt.*, 486 Md. at 674 ("[I]f a point germane

20. OC misconduct[.]

21. Dkt. 520 and 582/587 are duplicate expenses[.]

22. Dkt. 521 omits proof of predicate – timely conveyance by Tina to Estate[.]

23. Dkt. 541 rendered moot by superseding Dkts. 582/587[.]

24. Dtk. 564 must be reversed because Oxana was never removed as PR by OC[.]

25. Dkt. 565 must be reversed to safeguard Estate assets from further dissipation by Pendleton[.]

26. Dkts. 566 & 581 must be reversed to reassert dignity of rule of law, ethics, and morality[.]

27. Dkt. 567 must be reversed as a matter of common sense[.]

28. Dkt. 568 must be reversed to put Pendleton before a [j]ury[.]

29. Dtk. 582 & 587[.]

Issues 5 through 8 and 19 are properly before us.

to the appeal is not adequately raised in a party’s brief, the court may, and ordinarily should, decline to address it.” (quoting *DiPino*, 354 Md. at 56)); *see also Konover Prop. Tr.*, 142 Md. App. at 494 (“We will not rummage in a dark cellar for coal that isn’t there. It is not this Court’s responsibility to attempt to fashion coherent legal theories to support appellant’s sweeping claims.”).

Before we address the issues raised by Oxana and Namish in the current appeals that are properly before this Court, we will summarize appellants’ other contentions to illustrate their continued recycling of issues without substantial justification and in contravention of the law of the case doctrine.

1. Ms. Boynton is not an imposter.

Appellants ask this Court to: (1) “Strike ‘Imposter’ Pendleton’s Answering Briefs” and (2) “Strike ‘Imposter’ Pendleton’s Opposition Filed Under Fraudulent Identity ‘Boynton,’” both on the ground that Ms. Pendleton was posing as Ms. Boynton and was never appointed as special administrator or personal representative of Dr. Parikh’s estate. Appellants also contend that all of Ms. Boynton’s filings from the date she was appointed special administrator must be stricken, and the judicial decisions based on them reversed. This is so, say appellants, because she is “[a]n imposter” and the appointments were not made under “a true legal identity[.]” As we have explained, this contention was addressed and rejected in *Parikh V*, *Parikh IV*, and *Parikh III*. These contentions are completely meritless.

For these reasons, this Court has stated that Oxana’s and Namish’s “never-ending efforts to discredit and personally attack SA Boynton” and to challenge her very existence

amounted to nothing more than “vexatious and abusive litigation” and a “vengeful crusade anchored in bad faith[.]” *Parikh III*, 2021 WL 1293203, at *8, 10. The law of the case doctrine precludes appellants from relitigating these matters.

2. The settlement agreement is enforceable.

Among other things, the settlement agreement reached by the parties in the mediation process called for Tina to deliver to the court stock certificates owned by Dr. Parikh that were in her possession within ten days of the approval of the agreement. Under the terms of the settlement agreement, Namish was to receive 57% of the stock and Neela and Tina were to divide the remaining certificates between themselves. Tina delivered 57%, that is Namish’s share, of the certificates to the Orphans’ Court and retained the rest of the certificates for herself and Neela.

In *Parikh IV*, we stated:

Namish’s contention that the settlement agreement is void because Tina failed to convey the entirety of the Duke Energy stock to the estate within ten days of the return of the monies to the estate from the Registry of Court, is an issue that could have been raised and decided in *Parikh II* or *Parikh III*. Because Namish failed to challenge the enforceability of the settlement agreement when that issue was previously decided by this Court, the issue is waived.

2021 WL 4439267, at *4.

The law of the case doctrine precludes appellants from relitigating this issue.

3. Tina Parikh-Smith and Neela Parikh have standing.

Appellants contend that Tina was disinherited under Dr. Parikh’s will and “stripped . . . of standing from the date of [the] executory contract” for her failure to turn

over 100% of the stock to the estate in a timely manner. They also contend that Neela is not a proper party. These contentions are without merit.

In *Parikh I*, we held that Tina has:

standing to seek enforcement of the [settlement agreement] because she is party to that agreement and the agreement she sought [to] enforce bore directly on the administration of an estate of a deceased person. As Dr. Parikh’s daughter and a potential heir, Tina achieved standing when she petitioned to caveat the Will.

2019 WL 289999, at *14.

In *Parikh II*, 2020 WL 1330205, at *14, we held that “[t]he validity of Neela and Dr. Parikh’s marriage is no longer a dispute in this case, as the parties agreed as part of the [settlement agreement] not to challenge the order vacating the North Carolina divorce.” The law of the case doctrine precludes appellants from relitigating these issues.

4. Oxana does not have standing.

Appellants contend that Oxana is the “sole-interested person” and legatee, and that only she may petition to the Orphans’ Court to resolve any question related to the estate. Appellants are wrong. This contention was addressed in *Parikh IV*, 2021 WL 4439267, at *2: “Because Oxana is not an ‘interested person’ within the meaning of [EST. & TRUSTS] § 1-101(i), she has no standing to challenge the administration of the estate, with the exception of the award of attorneys’ fees against her.”

The law of the case doctrine precludes appellants from relitigating this issue.

5. The Orphans' Court's Rule 1-341 awards of fees and expenses to appellees are appropriate.

Appellants argue that the Orphans' Court's previous awards of fees and expenses to Neela, Tina, and Ms. Boynton should be reversed because Neela and Tina "never paid 'a penny' to their attorneys There is no proof that Tina/Neela actually paid anything out-of-pocket for which their attorneys feign reimbursement." (Emphasis omitted.) They also argue that Ms. Boynton was never appointed as special administrator and thus cannot incur expenses.

In *Parikh V*, 2022 WL 1164972, at *3, we held that this contention was "wrong" because the Orphans' Court "concluded that Ms. Boynton had incurred attorneys' fees and costs within the meaning of Rule 1-341, even though those fees and costs had not yet been paid by the estate." The same logic applies in the present case. The Orphans' Court did not err in awarding attorneys' fees and expenses to Neela, Tina, and Ms. Boynton.

6. There was no judicial misconduct.

Appellants moved to transfer this case to the Orphans' Court for Baltimore City. The motion was denied. Appellants cry foul. They argue that transfer was necessary because Montgomery County Circuit Court Judges David A. Boynton and John W. Debelius were respectively related to Ms. Boynton and to her counsel. But appellants did not assert that either Judge Boynton or Judge Debelius had any involvement with the Parikh estate proceeding. Judge Richard E. Jordan denied the motion. We addressed this issue in *Parikh II*:

A review of the record fails to persuade us that there were grounds upon which this case should have been transferred to another venue. There was no evidence of impropriety or personal bias against Oxana. Neither Judge [David A.] Boynton nor Judge [John W.] Debelius presided over any of the hearings in the case, and there is no evidence that either judge had any direct involvement or influence in the case. Further, Oxana does not contend that Judge Jordan had any kind of relationship with SA Boynton or Mr. Debelius which may have affected his ability to preside over the case with fairness and impartiality.

Oxana has also failed to show evidence of prejudice towards her beyond the court's rulings against her. . . . *In short, there is no merit to Oxana's accusations of judicial misconduct on the part of Judge Jordan or any other member of the court.* The court did not abuse its discretion in denying Oxana's ill-founded request for removal of the case to the Orphans' Court for Baltimore City.

2020 WL 1330205, at *11–12 (emphasis added).

This holding is one aspect of the law of this case. Our opinion in *Parikh II* was filed on March 23, 2020. Appellants do not allege that any misconduct occurred after that date.

8. The Orphans' Court did not err when it declined to transmit Namish's issues to the circuit court.

In *Parikh VI*, we concluded that Namish's contention that the Orphans' Court erred in its denial of his petition to transmit issues to the circuit court for a decision by a jury was "comprehensively without merit" and "barred under the law of the case doctrine." 2023 WL 3614320, at *3. The same contentions are still meritless and consideration of them is still barred by the law of the case doctrine.

II. The Remaining Issues

There are three remaining colorable issues raised by Oxana and Namish. They are:

(1) Whether the Orphans’ Court erred in finding that Oxana and Namish are vexatious litigants who have acted in bad faith and without substantial justification such that the imposition of a pre-filing injunction against them is appropriate;

(2) Whether the Orphans’ Court erred by granting judgments for attorneys’ fees and expenses to Ms. Boynton and her attorney, Tina and her attorney, and Neela and her attorney; and

(3) Whether the Orphans’ Court erred in appointing Tina as co-personal representative with Ms. Boynton, and then successor personal representative after Ms. Boynton was permitted to withdraw from her position.

We will address each of these topics separately.

1. Oxana and Namish are vexatious litigants.

On November 13, 2023, Judge Christopher C. Fogleman, an associate judge of the Circuit Court for Montgomery County sitting as the Orphans’ Court, issued a thorough, comprehensive, and meticulously reasoned opinion and order that (i) granted Tina’s and Ms. Boynton’s requests to declare Oxana and Namish vexatious litigants and (ii) entered an injunction, pursuant to Md. Rule 15-502(b),¹³ against further filings by them in either the Circuit Court or the Orphans’ Court of Montgomery County relating to Dr. Parikh’s estate without first obtaining the Court’s permission. Appellants contend that the Orphans’ Court erred. We do not agree.

¹³ Md. Rule 15-502(b) provides: “Subject to the rules in this Chapter, the court, at any stage of an action and at the instance of any party or on its own initiative, may grant an injunction upon the terms and conditions justice may require.”

Our analysis begins with a review of the reasoning and holdings of the only Maryland reported opinion on the issue of vexatious litigants, *Riffin v. Circuit Court for Baltimore County*, 190 Md. App. 11 (2010). In *Riffin*, this Court explained that, before restricting a person’s right to access a court, the court must (1) afford the alleged vexatious litigant notice and an opportunity to be heard, (2) provide an opportunity for a hearing before an order is issued, (3) make substantive findings as to the frivolous or harassing nature of the litigant’s actions, and (4) “narrowly tailor” any order restricting the right to file a court paper. *Id.* at 33–34. Additionally, the court must weigh five factors:

- (1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits;
- (2) the litigant’s motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?;
- (3) whether the litigant is represented by counsel;
- (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and
- (5) whether other sanctions would be adequate to protect the courts and other parties.

Id. at 35 (quoting *Safir v. United States Lines Inc.*, 792 F.2d 19, 24 (2nd Cir. 1986)).

We return to the case before us. The relevant events are:

On October 17, 2022, Tina filed a “Petition for Injunctive or Other Relief Against Namish Parikh and Oxana Parikh to Declare Them Vexatious and Frivolous Litigants” (the “Petition for Injunctive Relief”);

On November 23, 2022, the Orphans’ Court issued an “Order to Show Cause Why Oxana Parikh and Namish Parikh Should Not Be Designated as Vexatious Litigants.” The court scheduled a two hour hearing on the show cause order on February 17, 2023 at 1:30 PM. Notice of the hearing was sent to appellants.

On November 28, 2022, Oxana and Namish filed an appeal from the Show Cause Order.¹⁴

On February 15, 2023, Oxana and Namish filed a paper titled “Position Statement Regarding Unlawful 2/17/23 Hearing in Violation of Statutory Stay; and, [sic] Attachment” (the “Position Statement”).

On February 16, 2023, Tina filed a response to the Position Statement.

On February 17, 2023, the Orphans’ Court held the hearing on the show cause order. Although they had been previously notified of the hearing, neither Oxana nor Namish attended. The Court took the case under advisement.

On November 13, 2023, the Orphans’ Court filed a thorough and scholarly opinion and order which granted Tina’s Petition for Injunctive Relief. The Court found that Oxana and Namish were “Vexatious and Frivolous Litigants” and enjoined them from filing:

¹⁴ Tina moved to dismiss the appeal. On May 18, 2023, this Court granted the motion. We concluded that the appeal was filed in bad faith and without substantial justification and that Ms. Boynton, in her capacity as the personal representative of Dr. Parikh’s estate, was entitled to an award of attorneys’ fees and costs incurred pursuant to Md. Rule 1-341. We remanded the action to the Orphans’ Court for it to determine the amount of fees and costs and to enter judgment accordingly.

in this action any pleading, motion, or other paper, which pursuant to Md. Rule 1-202(t) includes a document filed or that exists in electronic form, relating to the Estate of Dinesh O. Parikh, without first obtaining leave of the Court by obtaining permission from the Administrative Judge or their designee[.]

Additionally, the Orphans' Court ordered:

that Oxana Parikh and Namish Parikh are hereby ENJOINED from filing in the Orphans' Court for Montgomery County, Maryland or the Circuit Court for Montgomery County, Maryland any new action relating to the Estate of Dinesh O. Parikh, without first obtaining leave of the Court by obtaining permission from the Administrative Judge or their designee; and it is further

ORDERED, that the Clerk of the Circuit Court for Montgomery County, Maryland not accept for filing any [court] paper, which pursuant to Md. Rule 1-202(t) includes a document filed or that exists in electronic form, from Namish Parikh and/ or Oxana Parikh arising out of or related to the Estate of Dinesh O. Parikh, absent a finding by the Court that the pleading, motion, or other paper is filed in good faith and not for any improper purpose and that it has a colorable basis in law and fact, and it is further,

ORDERED, that the Orphans' Court for Montgomery County, Maryland not accept for filing any pleading, motion, or other paper, which pursuant to Md. Rule 1-202(t) includes a document filed or that exists in electronic form, from Namish Parikh and/ or Oxana Parikh arising out of or related to the Estate of Dinesh O. Parikh, absent a finding by the Court that the pleading, motion, or other paper is filed in good faith and not for any improper purpose and that it has a colorable basis in law and fact[.]^[15]

In support of these conclusions, the Orphans' Court made the following findings of fact and conclusions of law:

¹⁵ The Court denied as moot Tina's "Petition for Expedited Decision for Finding that Oxana and Namish Parikh are Vexatious Plaintiffs," which was filed on September 8, 2023.

- Maryland courts are “vested with the inherent authority to enter pretrial injunctions to control the actions of a vexatious or frivolous litigant, whether at the instance of any party or on its own initiative[,]” citing *Riffin*, 190 Md. App. at 26, 29.
- “Md. Rule 15-502(b)^[16] is clear authority for a Maryland court to issue a pre-filing order. *Id.* at 28.”
- Before issuing a pre-filing order, a court must “afford the purportedly vexatious party [with] notice and an opportunity to be heard. *Id.* at 32.”
- A court ““should make substantive findings as to the frivolous or harassing nature of the litigant’s actions,’ addressing both the numericity and frivolity of that litigant’s filings. *Id.* at 34.”

Additionally, the Orphans’ Court addressed each of the five *Riffin* factors:

(1) The litigant’s history of litigation and particularly whether it entailed vexatious, harassing, or duplicative lawsuits.

The Orphans’ Court concluded that “Oxana’s and Namish’s repetitive filings have resulted in vexatious and duplicative appeals against the parties.” In support of this conclusion, the Court “summarize[d] some of the appellate litigation they have pursued concerning this Estate”:

(1) *Parikh v. Frosh*, No. GJH-17-0332, 2017 WL 4124238 (D. Md. Sept. 15, 2017), *aff’d*, 715 F. App’x 288 (4th Cir. 2018) (granting defendant’s motion to dismiss, denying Namish’s motion for leave to file surreply, and denying Namish’s motion for preliminary injunction).

¹⁶ Md. Rule 15-502 states in pertinent part:

* * *

(b) Issuance at Any Stage. Subject to the rules in this Chapter, the court, at any stage of an action and at the instance of any party or on its own initiative, may grant an injunction upon the terms and conditions justice may require.

- (2) *Parikh v. Frosh*, 715 F. App'x 288 (4th Cir. 2018) (District Court's judgment affirmed).
- (3) *Matter of Estate of Parikh*, No. 1508, Sept. Term, 2016, Nos. 546, 1226, Sept. Term, 2017, No. 548, Sept. Term, 2017, 2019 WL 289999 (Md. App. Ct. Jan. 16, 2019) (*Parikh I*) (four consolidated appeals – affirming dismissal of Oxana's and Namish's counterclaim and grant of Ms. Boynton's summary judgment motion based on the pleadings, and alternatively, as a sanction for discovery violations).
- (4) *Matter of Estate of Parikh*, 464 Md. 597 (2019) (petition for writ of cert. denied).
- (5) *Matter of Estate of Parikh*, Nos. 1480, 1655, Sept. Term 2017, Nos. 501, 2312, Sept. Term, 2018, No. 302, Sept. Term, 2019, 2020 WL 1330205 (Md. App. Ct. March 23, 2020) (*Parikh II*) (five consolidated appeals – affirming judgments of the Orphans' Court for Montgomery County).
- (6) *Matter of Estate of Parikh*, 469 Md. 665 (2020) (petition for writ of cert. denied).
- (7) *Parikh v. Boynton*, No. 2366, Sept. Term 2019, 2021 WL 1293203 (Md. App. Ct. Apr. 7, 2021) (*Parikh III*) (affirming Circuit Court's denial of Oxana's and Namish's motions to set aside the final judgment, [to] remove Judge Ronald B. Rubin, and [to] transfer the matter to Baltimore City Circuit Court, remanding case to Circuit Court to resolve pending Rule 1-341 motion, and concluding that Oxana's and Namish's use of the appeals process to pursue their vexatious litigation and meritless arguments warrants a finding of both bad faith and lack of substantial justification).
- (8) *Matter of Estate of Parikh*, No. 941, Sept. Term 2020, 2021 WL 4439267 (Md. App. Ct. Sept. 28, 2021) (*Parikh IV*) (holding that Oxana is not an "interested person" and therefore lacks standing to challenge the administration of the Estate, except the attorneys' fees award against her, affirming the Orphans' Court for Montgomery County's judgment, and concluding that Ms. Boynton is entitled to an award of reasonable attorneys' fees for the costs incurred in defending against this "frivolous appeal").
- (9) *Matter of Estate of Parikh*, 477 Md. 158 (2022) (petition for writ of cert. denied).

(10) *Parikh v. Boynton*, No. 1057, Sept. Term 2021, 2022 WL 1164972 (Md. App. Ct. Apr. 20, 2022) (*Parikh V*) (affirming Circuit Court’s sanctions award of attorneys’ fees and costs to Ms. Boynton).

(11) *Parikh v. Frosh*, No. 8:22-CV-00110-PX, 2023 WL 131043 (D. Md. Jan. 9, 2023) (granting Defendants Brian Frosh’s, Joseph Griffin’s, Mr. Debelius’s, and Ms. Boynton’s motions to dismiss, dismissing Oxana’s Amended Complaint, and imposing a prefiling injunction against Oxana).

(12) *Matter of Estate of Parikh*, No. 807, Sept. Term 2022, 2023 WL 3614320 (Md. App. Ct. May 18, 2023) (*Parikh VI*) (dismissing Oxana’s appeal from the show cause order, affirming the Orphans’ Court’s denial of Namish’s petition to transmit issues to the Circuit Court, and finding that the appeals were filed in bad faith and without substantial justification and that Ms. Boynton is entitled to an award of attorneys’ fees and costs incurred in defending against them under Rule 1-341).

(13) *In re Estate of Parikh*, 485 Md. 138 (2023) (petition for writ of cert. denied).

(14) *Parikh v. Joseph M. Griffin, Register of Wills for Montgomery County*, Misc. No. 12, Sept. Term 2022 (Md. Sup. Ct. Jan. 24, 2023) (denying Oxana’s and Namish’s petition for writ of mandamus).

(Footnote omitted.)

The Orphans’ Court noted that, “[i]n the instant action, Oxana and Namish have challenged the settlement agreement’s validity through three appeals. The Appellate Court has repeatedly sanctioned them for their bad faith and vexatious appeals and has described their bad faith and vexatious conduct.”

In support of this conclusion, the Orphans’ Court pointed out that, in *Parikh III*, we stated:

We conclude that appellants’ use of the appeals process to pursue their vexatious litigation and meritless arguments warrants a finding of both bad faith and lack of substantial justification.

Here, appellants did not pursue a questionable or innovative cause; nor did they explore beyond existing legal horizons. Rather, appellants continue to relitigate the settlement agreement and the summary judgment order, long after those issues were put to bed in *Parikh I*. Appellants argue, without substantial justification, their previous failed civil conspiracy, abuse of process, and unauthorized accounting claims from *Parikh I*, and repackaged them as claims regarding a fraudulent joint defense agreement, extra-territorial attachment of their bank accounts, and a lack of subject matter jurisdiction.

Appellants devised bad faith claims of fraud, based on personal attacks and vitriolic diatribes against opposing parties and counsel. Appellants' allegations of perjury and fraudulent ex parte communications on the part of Attorney Debelius were unsupported by any credible evidence. The pursuit of the recusal of Judge Rubin and transfer of the case to Baltimore City was completely without merit and undertaken primarily to harass appellees and delay the finality of the case. We struggle to characterize appellants' challenges to Tina's share of the Estate and SA Boynton's "existence" as anything short of a vengeful crusade anchored in bad faith and pursued without substantial justification. SA Boynton is entitled to an award of reasonable attorneys' fees for the costs incurred in defending against this frivolous appeal.

(Emphasis and footnote omitted.)

Additionally, the Orphans' Court noted that this Court had reach reached similar conclusions based on similar findings in *Parikh IV*:

Appellants continue to attack the validity of the settlement agreement, despite our repeated affirmation of the settled law governing this case. *Appellants' arguments were baseless and entirely lacking in merit, and they pursued this appeal with the purpose of intentional harassment and delay of the administration of the Estate.*

(Emphasis added by the Orphans' Court.)

The Orphans' Court also discussed our decision in *Parikh VI*, where we stated:

Appellants’ continued attacks on the validity of the settlement agreement, which has been reaffirmed on multiple occasions, *are both without substantial justification and are intentional efforts to delay the administration of the Estate*. Their conduct has been sanctioned by this Court twice and, most recently, by the [O]rphans’ [C]ourt in its order denying Namish’s petition to frame and transmit issues. We hold that this appeal was taken in bad faith and without substantial justification and that sanctions are appropriate pursuant to Md. Rule 1-341.

(Emphasis added by the Orphans’ Court; footnote omitted.)

The Orphans’ Court also noted that the District Court for the District of Maryland had:

enjoined Oxana from filing, without the Court’s prior leave, any future claims regarding the Estate against Brian Frosh, Joseph Griffin, Mr. Debelius, and Ms. Boynton. The District Court sanctioned Oxana despite this being her first time filing in federal court. *The District Court described her litigation tactics as “vexatious and obstructive . . . aimed at thwarting [Ms. Boynton’s] efforts to carry out her duties as Special Administrator.”* The District Court also characterized Oxana’s conduct in her many appeals as part of “*the same head-spinning litigation strategy*” where she has “separately challenged nearly every adverse decision.” Describing the action before it, the District Court stated: “This suit, filed on January 14, 2022, bears the same hallmarks of Oxana’s frivolous and vexatious litigation tactics that she has used in the state litigation for six long years.” The District Court granted defendants’ motion to dismiss, dismissed Oxana’s Amended Complaint, and ordered that Oxana will need advance leave of the Court before she may file any future litigation concerning this Estate.

(Cleaned up; emphasis added.)

The Orphans’ Court also noted that:

Not only have Oxana’s and Namish’s filings been duplicative, but they have resulted in unnecessary harassment to those unfortunate enough to be parties to these actions. In their pleadings, Oxana and Namish have engaged in troubling name-calling, including *wholly unfounded, improper,*

immaterial, impertinent, and scandalous accusations of perjury, incest, bigamy, and sexual abnormalities.

(Emphasis added.)

(2) The litigant’s motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?

The Orphans’ Court stated:

Oxana and Namish have no reasonable expectation of prevailing. Though at the outset the parties may have been uncertain of the litigation’s outcome, an objective person in Oxana’s and Namish’s place would have become aware of the likely outcome after the courts had consistently, uniformly, and repeatedly rejected their arguments. No reasonable person would have a good faith expectation of prevailing after their arguments have been rejected by the Circuit Court, sitting as the Orphans’ Court, the Appellate Court, the Supreme Court of Maryland, and the United States District Court for the District of Maryland. No reasonable person would continue to expect to succeed in invalidating the November 17, 2016 settlement agreement.

Oxana and Namish have also repeatedly failed to appear for hearings during this action. Whether out of fear of confronting opposing parties or for lack of substantial justification for their filings, their multiple failures to appear evidences their knowledge of the meritless nature of their arguments and claims.

(Footnote omitted.)

(3) Whether the litigant is represented by counsel.

The Orphans’ Court addressed this factor as follows:

Although the parties have represented themselves throughout this action, Namish is an attorney and, upon information and belief, is licensed to practice law in the District of Columbia. Namish’s vexatious conduct is not a product of a lack of understanding of the legal process. Rather, his understanding of the law has likely enhanced his ability to take advantage of the legal system. . . . His repeated and duplicative filings only delay the Estate’s administration, [and] Oxana and he will likely be required to

reimburse the Estate for a substantial amount of attorneys' fees incurred in responding to their filings.

Oxana is not an attorney. However, even applying a more relaxed approach to her filings, Oxana's filings cannot be considered anything other than vexatious. Multiple state and federal courts have repeatedly rejected her arguments, including concerning the validity of the settlement agreement. Neither Oxana's nor Namish's arguments are new or meritorious. All their motions, claims, or appeals have been dismissed or denied at both the state and federal level.

Oxana's and Namish's self-represented status changes nothing about the vexatious and harassing nature of their litigation tactics and the frivolous nature of their arguments and claims. Regardless of whether they have been assisted by legal counsel, a reasonable person in their position would have recognized the futility of continuing their barrage of filings.

(4) Whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel.

As to this factor, the Orphans' Court found that:

At the time of [Dr. Parikh's] death, the Estate's value was approximately \$1.2 million. Tina contends that the total fees and expenses claimed by all parties exceed \$700,000, most of which is attributed to Oxana's and Namish's bad faith conduct. . . . Clearly any pending litigation is unnecessary and expensive. . . . [Oxana and Namish] have wasted judicial resources with their meritless claims and failures to appear for hearings. The Court finds that the instant litigation has long ago become a waste of resources and needlessly drained the Estate of a substantial amount of its value.

(5) Whether other sanctions would be adequate to protect the courts and other parties.

As to this issue, the Orphans' Court stated:

Whether a litigant with a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties is the ultimate question the Court must answer. . . . Oxana's and Namish's proven blatant disregard for this Court and the judicial system suggests that there is

no end in sight to their frivolous and vexatious filings. Therefore, an injunction appears likely to be the only means adequate to put a stop to Oxana’s and Namish’s egregious abuses of the judicial system.

Given the extensive history of this litigation that has spanned the course of seven years, requiring leave of the Court to submit any new filings is the only effective mechanism to protect the parties and the Court from the expense of further litigation. Nothing short of a pre-filing injunction will deter them from similar vexatious litigation in the future. Because a pre-filing injunction’s aim is to eliminate only frivolous actions, Oxana and Namish will still have access to the courts, but as to future litigation concerning this Estate, they will need advance leave of the Court before either of them may file another motion in this action or file any new action regarding the Estate.

* * *

The Court recognizes Oxana’s and Namish’s constitutional right to access the Courts. However, the requested relief does not outright preclude their access to the Orphans’ Court or the Circuit Court. After weighing the five *Riffin* factors, the Court finds that Oxana’s and Namish’s abusive conduct merits imposition of a pre-filing injunction. Oxana and Namish will therefore need to obtain leave of the court before making any additional filings related to this Estate.

(Cleaned up.)

Based on these findings, the Orphans’ Court concluded that Oxana and Namish are vexatious litigants and required them to obtain advance leave of court before filing another motion in the estate action or filing any new action relating to the estate.

Oxana and Namish argue that, by suggesting that “[n]o reasonable person would continue to expect to succeed in invalidating” the settlement agreement, the Orphans’ Court overlooked their claim that Ms. Boynton tricked them into signing the settlement agreement from the start; thus, by their reasoning, they do have a valid argument for invalidating the agreement. They are wrong. The *Parikh I* panel addressed the validity

and enforceability of the settlement agreement in detail and concluded that it was enforceable. *Parikh I*, 2019 WL 289999, at *3–6. The time for appellants to have raised their trickery contention was in that appeal.

In continuing to attack the validity of the settlement agreement, Oxana and Namish prove the Orphans’ Court’s point: their arguments regarding the validity of the settlement agreement are meritless.¹⁷ “A party acts in bad faith when it acts vexatiously, for the purpose of harassment or unreasonable delay, or for other improper reasons.” *State v. Braverman*, 228 Md. App. 239, 262 (2016) (cleaned up).

¹⁷ Oxana and Namish also take issue with the fact that the caption of the court’s opinion and order states it was decided “IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.” They aver that only the Orphans’ Court can enter orders in an estate matter, and the circuit court does not have the jurisdiction to strip them “of their constitutional rights to access Md. courts[.]”

These contentions are based upon a false premise. Oxana and Namish fail to acknowledge that the word “CIRCUIT” was crossed out in the caption of the order in question and replaced with a handwritten “Orphans” before the order was filed. Moreover, the order was signed by Judge Christopher C. Fogleman, of the “Circuit Court for Montgomery County, Maryland Sitting as the Orphans’ Court” and is docketed in the Orphans’ Court. *See also Parikh v. Fogelman*, No. 8:24-CV-03627-AAQ, 2026 WL 179924, at *6 (D. Md. Jan. 23, 2026) (“Plaintiff also alleges that Defendant crossed out ‘Circuit’ and wrote ‘Orphans’ to docket the injunction in Orphans’ Court, arguing that relabeling the court which issued the order renders the order a non-judicial act. This argument fails; what appears to be an attempt to correct a previously mislabeled document does not change the judicial nature of issuing the order.” (cleaned up)).

There is no good faith basis to dispute the validity of the Orphans’ Court’s order.

We conclude that appellants’ baseless and repeated attacks on the validity of the settlement agreement provides no basis for reversing the Orphans’ Court’s order finding that Oxana and Namish are vexatious litigants.

After considering this Court’s opinions in the previous six appeals, as well as the contentions raised by appellants’ briefs in the consolidated appeals before us, we conclude that Oxana and Namish have recycled the same meritless and thoroughly debunked arguments over and over again, even after multiple failed appeals and the imposition of sanctions against them for their bad faith behavior.

The Orphans’ Court summarized the convoluted history of this case and addressed the *Riffin* factors before issuing its injunction upon Oxana and Namish. We find no error in the Orphans’ Court’s well-reasoned analysis and its ultimate rulings. We agree with the Orphans’ Court’s holding that Oxana and Namish are vexatious litigants. We also agree with the Orphans’ Court that prohibiting appellants from filing a court paper without first obtaining permission to do so from either the Orphans’ Court or the circuit court is an appropriate remedy under the circumstances of this case.

2. The Award of Fees, Expenses, and Commissions

Oxana and Namish also challenge the award of fees, expenses, and commissions to Ms. Boynton, Tina, Neela, and their respective attorneys. In their briefs, they do not challenge the propriety of an award based on their abuse of judicial process; instead, they assert that an approximately \$1 million “fine” is excessive and “grossly disproportionate to the ‘gravity of the offense[,]’” when, in their view, they have done nothing more than

advocate for a valid will. In addition, they claim some duplication in the Orphans' Court's several awards of fees and expenses. There is no merit to either argument.

The award of fees, expenses, and commissions is expressly permitted when a litigant maintains a proceeding in bad faith or without substantial justification. *See* Md. Rule 1-341(a).¹⁸

Oxana's and Namish's characterization of the Orphans' Court's award of fees as a "fine" disproportionate to the gravity of their "offense" is inaccurate. The purpose of Rule 1-341 is not to punish litigants. As our Supreme Court has explained:

Rule 1-341 should not be construed as a punishment but merely as a mechanism to place the wronged party in the same position as if the offending conduct had not occurred. Rule 1-341 is not punitive but is intended merely to compensate the aggrieved party for their reasonable costs and expenses, including reasonable attorney's fees.

¹⁸ Rule 1-341(a) reads:

In any civil action, if the court finds that the conduct of any party in maintaining or defending any proceeding was in bad faith or without substantial justification, the court, on motion by an adverse party, may require the offending party or the attorney advising the conduct or both of them to pay to the adverse party the costs of the proceeding and the reasonable expenses, including reasonable attorneys' fees, incurred by the adverse party in opposing it.

Rule 6-141 authorizes orphans' courts to grant similar awards. The rule states:

If the court finds that the conduct of any person in maintaining or defending any proceeding was in bad faith or without substantial justification, the court may require the offending person or the attorney advising the conduct or both of them to pay to any other person and, when appropriate, to the estate the costs of the proceeding and the reasonable expenses, including reasonable attorney's fees, incurred by the person or estate in opposing it.

Christian v. Maternal-Fetal Med. Assocs. of Maryland, LLC, 459 Md. 1, 19 (2018) (cleaned up).

In the present case, the fee awards reimburse appellees for the reasonable costs that they incurred defending against what the Orphans' Court determined was Oxana's and Namish's continuing pattern of presenting baseless contentions in an attempt to nullify the settlement agreement. That the Rule 1-341 awards approach \$1 million is the result of the litigation practices employed by appellants, despite repeated admonitions by the Orphans' Court to cease their rehashing of issues previously decided in favor of their opponents.

Oxana and Namish also argue that some of the Orphans' Court's awards of fees, expenses, and commissions are duplicative. We read the record differently. For each award approved by the Orphans' Court, Ms. Boynton, Tina, and Neela submitted detailed petitions, with itemized invoices and verified statements supporting their claims, as required by Rule 1-341(b). Oxana and Namish opposed each one. The Orphans' Court held five hearings on the various fee petitions between 2021 and 2024. Oxana and Namish attended none of them to offer support for their opposition to the imposition of the requested awards.

In their briefs, Oxana and Namish point to overlapping time periods in the Orphans' Court's several Rule 1-341 awards, but they offer no proof of duplication of particular fees, expenses, or commissions. This is fatal to their claim, especially in light of the facts that: (1) Ms. Boynton incurred commissions, fees, and expenses in both the administration of the estate as personal representative and the litigation in defending the

settlement agreement before Oxana and Namish were deemed to be acting in bad faith; and (2) Ms. Boynton, Tina, and Neela were each awarded judgments for the bad faith litigation undertaken by Oxana and Namish after that date, set by the Orphans' Court as of April 26, 2017. In the absence of any evidence that the Orphans' Court duplicated line items in its awards, Oxana and Namish do not meet their burden of proving error.

3. Appointment of Tina as Personal Representative of the Estate

Oxana and Namish assert that the Orphans' Court should not have appointed Tina as personal representative of the estate. In their view, upon Ms. Boynton's motion to withdraw as personal representative, Oxana should have been appointed as successor personal representative.

By order dated February 25, 2025, the Orphans' Court granted, in part, Ms. Boynton's petition to resign as personal representative of the estate and to substitute Tina in her place.¹⁹ The court required Ms. Boynton to continue to serve as personal

¹⁹ The order was signed by Judge Sharon V. Burrell, who had replaced Judge Richard E. Jordan as the specially assigned judge presiding over the Parikh estate per an order signed by Montgomery County Administrative Judge James A. Bonifant, dated January 31, 2025.

Oxana and Namish complain that, as a friend of Ms. Boynton and her attorney, Judge Bonifant had a conflict of interest and should not have been permitted to replace the ailing Judge Jordan; therefore, any orders issued by the improperly appointed Judge Burrell (including her orders declining to accept Oxana's and Namish's petitions for filing, pursuant to the pre-trial injunctive order) were invalid and must be reversed.

As a separate basis for our conclusion that there was no error or impropriety on Judge Bonifant's part, we point out that appellants offered no authority for their assertion

(Footnote Continued)

representative until she fulfilled certain obligations to the estate. Until then, Tina would be her co-personal representative, succeeding her as sole personal representative once those obligations were complete.

Upon termination of a personal representative by resignation, the Orphans' Court is required to appoint a successor personal representative. Pursuant to EST. & TRUSTS § 5-104, the classes of persons to be considered as successor personal representative (in descending order of priority), are: residuary legatees; children of a testate decedent entitled to share in the estate; any other person having a pecuniary interest in the proper administration of the estate; and any other person.

Appellants are correct that Dr. Parikh's will named Oxana as personal representative of his estate. However, Oxana has demonstrated on repeated occasions that she is unable or unwilling to perform the duties of either a special administrator or a personal representative for Dr. Parikh's estate.

Because she is a beneficiary of the estate and a person with a pecuniary interest in the proper administration of the estate, Tina is an appropriate person to be appointed successor personal representative. *See* EST. & TRUSTS § 5-104. On the other hand, Oxana fits into none of these categories.

that the circuit court's administrative judge should not have been permitted to carry out a routine administrative judicial substitution in his sound discretion. This is fatal to their argument. *See Westminster Mgmt.*, 486 Md. at 674 (“[I]f a point germane to the appeal is not adequately raised in a party's brief, the court may, and ordinarily should, decline to address it.” (quoting *DiPino*, 354 Md. at 56)).

Moreover, there is no evidence in the record that Tina has acted adversely to the interests of the beneficiaries or the estate. In stark contrast, it is abundantly clear that Oxana and Namish have engaged in meritless litigation over the last nine years. One consequence of their conduct is that the administration of Dr. Parikh’s estate has been prolonged unnecessarily. Another consequence is that the assets of the estate have been depleted through awards of fees, expenses, and commissions to the parties defending against their meritless contentions. There is no basis upon which to find that the Orphans’ Court erred or abused its discretion in appointing Tina as personal representative of the estate instead of Oxana.²⁰

**THE JUDGMENTS OF THE ORPHANS’
COURT FOR MONTGOMERY COUNTY
ARE AFFIRMED. COSTS TO BE PAID
BY APPELLANTS.**

²⁰ On August 18, 2025, Oxana and Namish filed motions to strike “‘Imposter Pendleton’s Answering Briefs’” and “‘Non-Interested-Person,’ sometimes Dr. Parikh’s ‘Wife,’ and sometimes Trust beneficiary, Tina Parikh-Smith’s Answering Brief.” These motions are meritless and we deny them.