

Circuit Court for Baltimore City  
Case No. 24-C-19-002791

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1627

September Term, 2019

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MARIAM STANGENBERG

v.

ELHAMY IBRAHIM

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Nazarian,  
Beachley,  
Zic,

JJ.

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Opinion by Nazarian, J.

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Filed: July 7, 2021

\* This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Mariam Stangenberg sued Elhamy Ibrahim in the Circuit Court for Baltimore City in connection with a sexual assault that, she alleged, occurred while Ms. Stangenberg and her daughter were visiting Mr. Ibrahim in Myrtle Beach, South Carolina. She stated in her complaint that Mr. Ibrahim had been and remained a resident of Baltimore City, and that his property interests and the business he conducted in Baltimore supported the exercise of general personal jurisdiction over him there.

Mr. Ibrahim filed a Preliminary Motion to Dismiss Complaint for Lack of Personal Jurisdiction, arguing that he was domiciled in South Carolina and had been a resident there since his retirement five years before the alleged incident. The circuit court granted the motion and dismissed the complaint on the ground that Mr. Ibrahim's contacts with Maryland were not sufficiently continuous to justify the exercise of general personal jurisdiction. We vacate the judgment and remand for further proceedings, beginning with the opportunity for Ms. Stangenberg to conduct discovery on Mr. Ibrahim's remaining connections to Maryland.

## **I. BACKGROUND**

Ms. Stangenberg and Mr. Ibrahim had been social friends for ten years. In May 2016, Mr. Ibrahim invited Ms. Stangenberg and her daughter to visit him in South Carolina, after the daughter had become upset and depressed after breaking up with her boyfriend. While in Mr. Ibrahim's home, Ms. Stangenberg alleged that she was sexually assaulted by him while her daughter was out of the house on a run. She returned immediately to Maryland, went to a local hospital, and reported the incident.

On May 9, 2019, Ms. Stangenberg filed a complaint against Mr. Ibrahim that included claims for battery, assault, false imprisonment, and intentional infliction of emotional distress. She alleged that Mr. Ibrahim was a resident of Baltimore City and that his home in South Carolina was a summer home. She alleges further that Mr. Ibrahim has substantial property interests in Baltimore, maintains his principal place of business there, operates multiple rental apartments and commercial rental units in Baltimore and elsewhere in Maryland, and derives substantial income from these properties.

Mr. Ibrahim responded with a Preliminary Motion to Dismiss Complaint for Lack of Personal Jurisdiction under Maryland Rule 2-322(a). The motion argued that his South Carolina house was Mr. Ibrahim's primary residence and that he had been a resident there since June 2011. At the time of the alleged assault in May 2016, he contended, he owned four properties in Baltimore. The first property is a parking lot located at 311 Tyson Street that is to remain an empty lot due to zoning laws. The second property is a building located at 212 W. Saratoga Street, which served as Mr. Ibrahim's primary residence until June 2011, when he moved to South Carolina. Since 2009, Mr. Ibrahim has had one tenant on the second floor of the building. The third property is a building located at 304 Park Avenue, in which a daycare operated until 2016 and since then has been unoccupied. The fourth property, located at 213/215 W. Saratoga Street, was owned by Mr. Ibrahim at the time of the alleged assault, but he sold it on December 1, 2017. He also acknowledged that he holds promissory notes for the outstanding balance on the 213/215 Saratoga Street property as well as for a property located at 211 W. Saratoga Street that he sold in

December 2008. He argued that these contacts were insufficient to support the exercise of general personal jurisdiction against him.

Ms. Stangenberg opposed the motion, and the circuit court held a hearing on September 13, 2019. On September 16, 2019, the circuit court issued an order granting the motion, finding that the court could not exercise jurisdiction over Mr. Ibrahim, and dismissing the case. Ms. Stangenberg filed a timely notice of appeal. We supply additional facts as necessary below.

## II. DISCUSSION

Ms. Stangenberg raises two questions on appeal.<sup>1</sup> *First*, she argues that the circuit court erred when it found that Mr. Ibrahim lacked minimum contacts with the State of Maryland to support personal jurisdiction under Maryland’s Long Arm Statute, Maryland Code (1973, 2020 Repl. Vol.), § 6-103(b)(4) of the Courts and Judicial Proceedings Article (“CJ”). *Second*, even if she failed to make a *prima facie* case of personal jurisdiction, she contends that the circuit court abused its discretion in failing to allow her to conduct limited discovery on that issue. We agree with her that the court erred in granting the motion to dismiss without allowing her an opportunity to conduct discovery on personal jurisdiction.

All of the defenses listed in Maryland Rule 2-322(a), including personal jurisdiction, are collateral to the merits and raise questions of law. *Beyond Sys., Inc. v. Realtime Gaming*

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<sup>1</sup> Ms. Stangenberg’s brief does not include a statement of questions presented, as Maryland Rule 8-504(a)(3) requires. Her reply brief does, and we have used the headings from the argument section of her main brief as well. Mr. Ibrahim hasn’t sought any sanctions or other relief in connection with this violation of the Rules, but future opponents or panels of this Court might not be so forgiving.

*Holding Co.*, 388 Md. 1, 11–12 (2005) (citing Paul V. Niemeyer & Linda Shuett, *Maryland Rules Commentary* 205 (3d ed. 2003)). Accordingly, we review *de novo* the circuit court’s decision to grant Mr. Ibrahim’s motion to dismiss. See *Bond v. Messerman*, 391 Md. 706, 718 (2006) (“The applicable standard of appellate review of the grant of a motion to dismiss for lack of personal jurisdiction is whether the trial court was legally correct in its decision to dismiss the action . . . .”); see also *Livingston v. Naylor*, 173 Md. App. 488, 493 (2007). “In conducting our analysis, we [] ‘accept all well-pled facts in the complaint, and reasonable inferences drawn from them, in a light most favorable to the non-moving party . . . .’” *Gosain v. County Council for Prince George’s Cnty.*, 178 Md. App. 90, 95 (2008) (quoting *Sprenger v. Pub. Serv. Comm’n*, 400 Md. 1, 21 (2007)). Dismissal is “proper only if the alleged facts and permissible inferences, so viewed, would, if proven, nonetheless fail to afford relief to the plaintiff.” *Bobo v. State*, 346 Md. 706, 709 (1997) (citing *Morris v. Osmoje Wood Preserving*, 340 Md. 519, 531 (1995)).

We review the denial of discovery for abuse of discretion, which occurs “where no reasonable person would take the view adopted by the trial court or when the court acts without reference to any guiding rules or principles.” *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (cleaned up). “An abuse of discretion may also be found where the ruling under consideration is ‘clearly against the logic and effect of facts and inferences before the court.’” *Id.* (quoting *North v. North*, 102 Md. App. 1, 13 (1994)).

The circuit court granted Mr. Ibrahim’s motion to dismiss after finding that his contacts with the State of Maryland and the City of Baltimore were not sufficiently

continuous to justify general jurisdiction. Ms. Stangenberg challenges this finding and the court’s decision not to allow her an opportunity to take discovery in support of jurisdiction. We agree on the latter point and, after a remand for limited discovery relating to jurisdiction, Ms. Stangenberg should have an opportunity to attempt to establish general personal jurisdiction over Mr. Ibrahim using a complete record.

**A. Mr. Ibrahim Probably Is Domiciled In South Carolina.**

At the threshold, Ms. Stangenberg contends that Mr. Ibrahim remains domiciled in Baltimore City. If this were true, she wins the appeal—a Maryland resident is subject to general personal jurisdiction here. She argued in the circuit court that before the alleged incident Mr. Ibrahim represented to her that he maintained his residence in Baltimore and that his home in South Carolina was a summer residence. He disputes this and asserts that he has been a South Carolina resident since his retirement in June 2011. The circuit court agreed with Mr. Ibrahim.

A person can live and work in multiple places, but each person can have only one domicile. Under the “longstanding view on determining a person’s domicile,” *Oglesby v. Williams*, 372 Md. 360, 372 (2002), courts determine the person’s domiciliary intent by looking more to concrete manifestations of residency than what they say:

The words reside or resident mean domicile unless a contrary intent is shown. A person may have several places of abode or dwelling, but he can have only one domicile at a time. Domicile has been defined as the place with which an individual has a settled connection for legal purposes and the place where a person has his true, fixed, permanent home, habitation and principal establishment, without any present intention of removing therefrom, and to which place he has,

whenever he is absent, the intention of returning. The controlling factor in determining a person's domicile is his intent. One's domicile, generally, is that place where he intends to be. The determination of his intent, however, is not dependent upon what he says at a particular time, since his intent may be more satisfactorily shown by what is done than by what is said. Once a domicile is determined or established a person retains his domicile at such place unless the evidence affirmatively shows an abandonment of that domicile. In deciding whether a person has abandoned a previously established domicile and acquired a new one, courts will examine and weigh the factors relating to each place. This Court has never deemed any single circumstance conclusive. *However, it has viewed certain factors as more important than others, the two most important being where a person actually lives and where he votes. Where a person lives and votes at the same place such place probably will be determined to constitute his domicile.* Where these factors are not so clear, however, or where there are special circumstances explaining a particular place of abode or place of voting, the Court will look to and weigh a number of other factors in deciding a person's domicile."

*Dorf v. Skolnik*, 280 Md. 101, 116–17 (1977) (emphasis added); *see Roberts v. Lakin*, 340 Md. 147, 153–54 (1995).

The two most important factors in determining domicile are: (1) where a person actually lives and (2) where a person votes. *Id.* at 154. In an affidavit he filed in support of his motion to dismiss, Mr. Ibrahim identified a series of steps he had taken to establish his domicile in South Carolina:

- On June 6, 2011, Mr. Ibrahim purchased a property located at 7572 Regina Court in Myrtle Beach, South Carolina to serve as a permanent home upon his retirement;
- Upon his retirement in June 2011, Mr. Ibrahim transported all his personal belongings to South Carolina. Mr. Ibrahim sold, abandoned, donated or

gifted away any remaining items while still in Maryland;

- On July 15, 2011, Mr. Ibrahim registered with the South Carolina Department of Motor Vehicles and switched his Maryland driver's license to a South Carolina driver's license;
- On July 15, 2011, Mr. Ibrahim applied to be a registered South Carolina voter;
- On July 18, 2011, Mr. Ibrahim titled his motor vehicle with the South Carolina Department of Motor Vehicles; and
- Starting with fiscal year 2011, Mr. Ibrahim began filing his tax returns as a South Carolina resident while attaching a Maryland Non-Resident Tax Return with every tax return.

This record includes evidence that supports the circuit court's finding that Mr. Ibrahim had established his domicile in South Carolina (although, as we discuss at the very end of this opinion, it's possible that his residence could be less certain than it appears, at least as he has represented it to others). "[O]nce a person's place of domicile is determined, there is a presumption that it continues, and the 'person retains his domicile there unless the evidence affirmatively shows an abandonment of that domicile' and the acquisition of 'a new one.'" *Blount v. Boston*, 351 Md. 360, 371 (1998) (quoting *Bainum v. Kalen*, 272 Md. 490, 498 (1974)). For present purposes, though, we will assume that Mr. Ibrahim is an out-of-state resident for personal jurisdiction purposes, and that the court would lack personal jurisdiction over Mr. Ibrahim unless Ms. Stangenberg can identify contacts that satisfy Maryland's long-arm statute, CJ § 6-103, and establish that the exercise of personal jurisdiction in this case is consistent with the Due Process Clause of the Fourteenth Amendment. *CSR, Ltd. v. Taylor*, 411 Md. 457, 464 (2009).



**B. Mr. Ibrahim’s Contacts May Be Sufficient To Support Personal Jurisdiction Over Him In Maryland.**

Now on to the long-arm statute itself. Because personal jurisdiction over Mr. Ibrahim arises or not under the long-arm statute, he may be sued only on a “cause of action arising from any act enumerated in [that] section.” CJ § 6-103(a). The long-arm statute lists the categories of acts on the part of a defendant that can give rise to personal jurisdiction, including a regular course of business or conduct in Maryland:

A court may exercise personal jurisdiction over a person, who directly or by an agent:

- (1) Transacts any business or performs any character of work or service in the State;
- (2) Contracts to supply goods, food, services, or manufactured products in the State;
- (3) Causes tortious injury in the State by an act or omission in the State;
- (4) Causes tortious injury in the State or *outside of the State by an act or omission outside the State if he regularly does or solicits business, engages in any other persistent course of conduct in the State or derives substantial revenue from goods, food, services, or manufactured products used or consumed in the State;*
- (5) Has an interest in, uses, or possesses real property in the State; or
- (6) Contracts to insure or act as surety for, or on, any person, property, risk, contract, obligation, or agreement located, executed, or to be performed within the State at the time the contract is made, unless the parties otherwise provide in writing.”

CJ § 6-103(b) (emphasis added). A plaintiff need only satisfy one provision of Maryland’s long-arm statute in order to assert jurisdiction. *Bahn v. Chicago Motor Club Ins. Co.*, 98 Md. App. 559, 568 (1993) (citing *Tate v. Blue Cross of Washington and Alaska*, 59 Md.

App. 206, 217 (1984)).

In this case, Ms. Stangenberg argues that jurisdiction over Mr. Ibrahim is justified under § 6-103(4). Mr. Ibrahim disputes this point and argues as well that § 6-103(5) of Maryland’s long-arm statute cannot serve as a source of jurisdiction because the alleged incident did not arise out of his property interests in Maryland. The Court of Appeals has construed Maryland’s long-arm statute to authorize the exercise of personal jurisdiction to the full extent allowable under the Due Process Clause. *See Beyond Sys.*, 388 Md. at 14–15. But if exercising personal jurisdiction here would violate Due Process, we must construe Maryland’s long-arm statute to not authorize jurisdiction over Mr. Ibrahim. *Bond*, 391 Md. at 721. Therefore, we first must determine whether personal jurisdiction over Mr. Ibrahim would violate the Due Process Clause, then whether the specific terms of the long-arm statute are satisfied.

*1. This appears to be a general jurisdiction case.*

“To comply with the Due Process Clause of the Fourteenth Amendment, the exercise of personal jurisdiction over an out-of-state defendant requires that the defendant have established minimum contacts with the forum state and that to hale him or her into court in the forum state would comport with traditional notions of fair play and substantial justice.” *Bond*, 391 Md. at 722 (citations omitted). Compliance with the Due Process Clause also requires “purposeful availment,” meaning that this out-of-state defendant’s connections with Maryland are so substantial that it would be foreseeable to him that he might have to defend a lawsuit here. *CSR*, 411 Md. at 464. A substantial connection exists

if an out-of-state defendant either engaged in significant activities in the State or created continuing obligations with the State’s residents, thus taking advantage of the benefits and protections of Maryland law. *Id.*

“The ‘minimum contacts’ standard ‘is not susceptible of mechanical application, and the facts of each case must be weighed . . . .’” *Id.* at 476 (*quoting Camelback Ski Corp. v. Behning*, 307 Md. 270, 274 (1986) (“*Camelback I*”), *vacated*, 480 U.S. 901, *aff’d*, 312 Md. 330 (1988) (“*Camelback II*”). The process for determining whether the standard has been satisfied “is one in which few answers will be written in ‘black and white. The greys are dominant and even among them the shades are innumerable.’” *Kulko v. Superior Court of Cal. In and For City and Cnty. of San Francisco*, 436 U.S. 84, 92 (1978) (*quoting Estin v. Estin*, 334 U.S. 541, 545 (1948)). Indeed, “the quality and quantity of contacts required to support the exercise of personal jurisdiction will depend upon the nature of the action brought and the nexus of the contacts to the subject matter of the action.” *Camelback II*, 312 Md. at 338. “As such, cases may be divided into the categories of specific or general jurisdiction, with each category requiring a different quantum of contacts to confer jurisdiction.” *CSR*, 411 Md. at 477 (*citing Presbyterian Univ. Hosp. v. Wilson*, 337 Md. 541, 551 n. 2 (1995)). “A case of specific jurisdiction arises where the cause of action arises from, or is directly related to, the defendant’s contacts with the forum state.” *Id.* (*citing Wilson*, 337 Md. at 550). That is not this case: the incident at issue took place in South Carolina, so the Maryland courts’ personal jurisdiction over Mr. Ibrahim turns on whether he is subject to general personal jurisdiction.

2. *Ms. Stangenberg made a prima facie case for jurisdiction.*

“[U]nder general jurisdiction, the basis for the plaintiff’s cause of action need not arise out of the defendant’s contacts in the forum.” *Wilson*, 337 Md. at 550. To justify the exercise of general jurisdiction, the court must determine whether Mr. Ibrahim’s contacts with Maryland were continuous and systematic. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 416 (1984). The burden rests with Ms. Stangenberg to make “a *prima facie* showing of the jurisdictional facts to show that [Mr. Ibrahim] regularly does business or solicits business in Maryland, engage[s] in another persistent course of conduct in the state, or derive[s] substantial revenue from goods, services or manufactured products used or consumed in the state.” *Swarey v. Stephenson*, 222 Md. App. 65, 104 (2015) (alterations added) (quoting *Quinn v. Bowmar Pub. Co.*, 445 F. Supp. 780, 786 (D. Md. 1978)).

Ms. Stangenberg identified multiple and diverse contacts that Mr. Ibrahim maintains in Maryland, even after he moved to South Carolina. She alleged that he came frequently, almost monthly, to Maryland to manage his properties, collect rent and socialize with friends. She asserted that in addition to owning property in Maryland, Mr. Ibrahim derives regular income generated within the State of Maryland, including note payments, lump sum payments, and rent. Mr. Ibrahim disputes that these contacts satisfy the minimum required for the circuit court to exercise personal general jurisdiction over him, and argues that he ceased his business activity in Maryland in June 2011 and has been living as a retiree in South Carolina since 2011.

In *Beyond Systems*, the Court of Appeals held that a plaintiff had failed to establish a *prima facie* case for personal jurisdiction over the defendants. 388 Md. at 25. The court found that the plaintiff “provided the trial court with no evidence beyond [the defendants’] website, to establish substantial, continuous, systematic contacts with Maryland.” *Id.* The record developed by Ms. Stangenberg supports a far more substantial and ongoing series of connections between Mr. Ibrahim and the State of Maryland:

- At the time of the alleged incident, Mr. Ibrahim owned four properties in Baltimore;
- Mr. Ibrahim sold his property located at 211 W. Saratoga Street in December 2008 and took back a mortgage for \$340,000 payable over fifteen years from the Buyer;
- Mr. Ibrahim sold his property located at 213–215 W. Saratoga on December 1, 2017 for \$550,000, and holds a promissory note for the property;
- Mr. Ibrahim was paying off the mortgage on his property located at 212 W. Saratoga Street in Baltimore, originally granted in 2006, until 2018;
- Until 2019/2020, the mailing address for the tax bill for Mr. Ibrahim’s property located at 304–306 Park Avenue was 212 W. Saratoga Street, Baltimore, MD 21201;
- In 2017 and 2018, the mailing address for the tax bill for Mr. Ibrahim’s property located at 311 Tyson Street, Baltimore, Maryland was sent to 212 W. Saratoga Street, Baltimore, MD 21201; and
- Before the 2019/2020 tax years, the mailing address for the tax bill for Mr. Ibrahim’s property located at 212 W. Saratoga Street, Baltimore, MD 21201 was that same address.

The circuit court found these contacts not to be sufficiently continuous to justify personal jurisdiction: “The mere fact that [Mr. Ibrahim] returns to Maryland to visit friends

does not demonstrate that he has purposefully availed himself to this jurisdiction.” The court found that “when considering principles of fairness and reasonableness, it does not appear to be reasonable to litigate a claim in Maryland when all of the alleged conduct, evidence, and most witnesses are connected to South Carolina, not Maryland.” Although the court is right that Ms. Stangenberg’s claims didn’t arise out of Mr. Ibrahim’s activities in Maryland, the court didn’t explain why Mr. Ibrahim’s contacts still didn’t make a *prima facie* case of general personal jurisdiction. His contacts certainly seem ongoing and continuous—he owns property still, he receives regular rent and note payments on those properties, he pays taxes appropriate to those relationships, and he visits them (and Baltimore) at least to some extent. It understates his ongoing connections to Baltimore and to Maryland, then, to say only that he comes to visit friends here. The court didn’t make a specific finding that Ms. Stangenberg failed to make a *prima facie* case for personal jurisdiction, but we can infer that finding from its decision to grant Mr. Ibrahim’s motion to dismiss. We find that Ms. Stangenberg did make a *prima facie* case based on the contacts she did identify. And as we address next, other details of Mr. Ibrahim’s ongoing activity here—including his possible actual residence here—remain unexplored, and its significance disputed.

3. *The circuit court should have allowed limited discovery on jurisdiction.*

Ms. Stangenberg sought to obtain further details about Mr. Ibrahim’s actual residence and ongoing contacts through discovery. To that end she filed a Motion to Allow an Evidentiary Hearing and to Allow Limited Discovery on the Jurisdiction Issue. The

contents of her Affidavit and Opposition to Mr. Ibrahim’s Motion To Dismiss were, she argued, based on her knowledge and matters of public record, but she lacked knowledge of many of the particulars of Mr. Ibrahim’s life and was at a disadvantage to prove the extent of his contacts with precision. The circuit court denied the motion.

The discovery rules have as their principal objective the disclosure of all relevant facts surrounding the litigation before the court. *Androustos v. Fairfax Hosp.*, 323 Md. 634, 638 (1991). Where, as here, Ms. Stangenberg requested discovery “specifically aimed at the contacts” that Mr. Ibrahim maintains with this State, and the “[d]etermination of quality and quantity of those contacts [is] essential to the court’s proper conclusion as to whether defendant [is] subject to the long arm jurisdiction of the court,” the decision not to allow her to conduct discovery on those facts compounded her disadvantage. *Androustos*, 323 Md. at 639–40. And she didn’t seek to embark on a fishing expedition—she identified particular transactions, including litigation, that, if supported, might well solidify the conclusion that Mr. Ibrahim foresaw the possibility of being haled into court in Maryland or that would have undermined his disclaimers about the extent of his ongoing relationships here:

- Mr. Ibrahim was in a lawsuit involving a claim and counter claim that started in 2014 and concluded in 2017, including a counterclaim he filed on January 30, 2017. His listed address in this suit was 212 Saratoga Street, Baltimore, Maryland;
- For Mr. Ibrahim’s property located at 213–215 W. Saratoga, the deed plainly identifies him as “Elhamy Hafir Ibrahim, a resident of the State of Maryland,” and it has Mr. Ibrahim’s notarized signature; and

- Mr. Ibrahim designated 212 W. Saratoga Street as his principal residence in a Deed of Trust.

There is enough uncertainty, and enough dispute, about the extent of Mr. Ibrahim’s residence and actual activity in Maryland that Ms. Stangenberg should have been permitted to conduct appropriately tailored discovery on jurisdiction. We are not holding that she has, on this record, met her burden to establish personal jurisdiction—a *prima facie* case is just that, and the circuit court could yet find, on a more developed record, that Mr. Ibrahim’s contacts fall short as a factual or legal matter. But where the plaintiff has alleged contacts that could satisfy her burden and the defendant disputes them, that plaintiff should be allowed to conduct discovery that will allow the court once and for all to determine whether those facts do or don’t support jurisdiction or, if necessary, whether factual disputes need to be resolved. For that reason, the circuit court abused its discretion when it denied Ms. Stangenberg’s request for discovery on personal jurisdiction, and we vacate the judgment and remand for further proceedings consistent with this opinion.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE CITY VACATED AND  
CASE REMANDED FOR FURTHER  
PROCEEDINGS CONSISTENT WITH  
THIS OPINION. APPELLEE TO PAY THE  
COSTS.**