Circuit Court for Montgomery County
Case No. C-15-FM-23-004564

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1721, September Term, 2023

&
No. 2388, September Term, 2023

NATHAN M. F. CHARLES, ESQ.

v.

TIFFANY SUMMERFIELD CHARLES

Berger,
Nazarian,
Ripken,

JJ.

Opinion by Nazarian, J.

Filed: July 23, 2025

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

After Nathan M. F. Charles, Esq. ("Husband") filed for limited divorce from Tiffany A. Summerfield[1] ("Wife") in the Circuit Court for Montgomery County, the parties sought various forms of preliminary relief. One of Husband's filings sought a preliminary injunction, which the court denied. Husband moved for reconsideration, the court denied it, and Husband appealed to this Court. Then, the circuit court held a *pendente lite* hearing, denied Husband's requests for *pendente lite* alimony, and granted Wife's request for *pendente lite* child support and arrears, as well as attorneys' fees. Husband again filed a motion to reconsider, and the court again denied it. He appealed the *pendente lite* order and the motion to reconsider the *pendente lite* order. In the time since, the circuit court held a merits hearing on the divorce and issued its judgment. We hold that the divorce judgment, which now is the subject of a separate appeal, rendered all issues moot except the attorneys' fees, which we affirm.

I. BACKGROUND

These appeals are the second and third in this divorce action. We recounted the background in the first appeal, *Charles v. Charles*, ___ Md. App. ___, No. 2342, Sept. Term 2023 (filed May 30, 2025), and pick up from there.

A. Factual Background

Husband and Wife were married on May 21, 2011, in Lebanon County, Pennsylvania. Their marriage produced two children. Since marrying, the couple

[1] At the time, Wife's name was Tiffany Summerfield Charles, but in the parties' judgment of absolute divorce, the circuit court granted her a name change.

experienced a variety of strains, including financial, professional, and personal setbacks. Around the end of 2020, Wife asked Husband for a divorce multiple times. On July 20, 2023, Wife emailed Husband stating that she "no longer want[ed] to be in [their] marriage" and that she would be "pursuing a divorce."

B. Procedural Background

1. Commencing Divorce Proceedings

After receiving that email, Husband filed a complaint for limited divorce, alleging actual and constructive desertion. In his complaint, he sought joint primary and physical custody, child support, alimony, health insurance for himself and the children, and use and possession of the marital home. On August 8, 2023, the parties signed a custody agreement under which Wife would have "temporary use and possession of the Marital Home . . . until further Agreement or Court Order." The custody agreement also barred Husband from contacting or attempting to contact Wife, "except that the parties may contact each other via e-mail for purposes of child access/visitation or sharing pertinent information about the wellbeing of the Children." They filed their custody agreement in the circuit court on August 9, 2023.

2. Husband's Motions

a. Alimony *Pendente Lite*

On August 21, 2023, Husband filed a motion for alimony *pendente lite*. He sought $1,000 per month, incurred, he argued, due in part to this divorce litigation, which caused him to relocate to Pennsylvania. The next day, Wife filed an Answer, asking the court to deny Husband's complaint for limited divorce. Wife then moved to strike Husband's

motion for alimony *pendente lite*, arguing that it did not comply with Maryland Rules. Husband opposed her motion the next day, asserting that he had complied with the rules, that the court should strike Wife's motion to strike, and that the court should impose sanctions on Wife's counsel for filing the motion for an improper purpose.

On October 3, 2023, the circuit court granted Wife's motion to strike Husband's motion for alimony *pendente lite*, striking Husband's motion "in its entirety as it contains improper, immaterial, impertinent, and/or scandalous matter." The next day, Husband filed a motion for reconsideration or clarification asking that the court revise its order or provide "additional specificity" to place him on notice of what the court found offensive. Wife opposed that motion. On October 31, 2023, the court denied Husband's motion for reconsideration or clarification. Husband filed a notice of appeal encompassing the October 3 and 31, 2023 Orders.

b. Motion for a Preliminary Injunction

On September 18, 2023, Husband filed a motion for a preliminary injunction to compel Wife to "either sell or refinance the marital home in the above action." In her opposition, Wife asked the court to deny Husband's motion for a preliminary injunction and grant her $1,050 in attorneys' fees. Six days later, on October 9, 2023, Husband filed a reply. He emphasized his need for a home because he was living in Pennsylvania with his parents, and he asked the court to deny Wife's claim for attorneys' fees. On November 3, 2023, the court denied Husband's motion for a preliminary injunction, reasoning that the "matters relating to distribution of marital property are properly addressed in a divorce

merits hearing." The court added that attorneys' fees would be addressed either at a divorce merits hearing or at a future hearing that the court sets.

That same day, Husband filed a motion to reconsider. He argued that his requested "injunction has nothing to do with the disposition of any marital assets." Wife opposed the motion and asked again that the court deny Husband's motion for reconsideration and grant her attorneys' fees, this time in the amount of $350. Later that day, Husband filed a reply arguing that the court had abused its discretion when it denied his request for a preliminary injunction. On December 1, 2023, the court denied Husband's motion and reiterated that the attorneys' fees issue would be addressed at the merits hearing or at another hearing that the court would set. Husband filed a notice of appeal from that order.

c. Husband's Jury Demand

On September 21, 2023, Husband filed a "Line" demanding a "trial by jury" in this divorce case. Wife moved to strike this demand on October 3, 2023. She asserted that only courts sitting in equity had jurisdiction over family law cases, citing Md. Code (1999, 2019 Repl. Vol.), § 1-201(b) of the Family Law Article ("FL"). She also requested $455 in attorneys' fees. On October 9, 2023, Husband filed an opposition, arguing that Wife hadn't asserted any authority that prevented courts sitting in equity from empaneling a jury and that the court should deny Wife's claim for attorneys' fees. The court granted Wife's motion in part and struck Husband's jury demand on November 13, 2023. That order was silent about attorneys' fees.

d. Husband's Motion to Consolidate

On October 16, 2023, Husband filed a motion to consolidate the divorce proceedings with another case he instituted against Wife for defamation *per se*. He also included a jury demand for the consolidated case. Wife did not file an opposition, but the court denied Husband's motion to consolidate on November 6, 2023.

3. The Pendente Lite *Hearing*

On January 3, 2024, the parties appeared before the circuit court for a hearing on Husband's request for *pendente lite* alimony and Wife's requests for *pendente lite* child support, arrears, and attorneys' fees. Husband asked the court to deny Wife's attorneys' fees request, and Wife asked the court to deny Husband's alimony claim. After opening arguments, the circuit court heard testimony from Husband, then Wife, and during both received exhibits into evidence. The court heard closing arguments from both sides and concluded the hearing.

The court convened everyone on January 8, 2024 to announce its ruling. The court began by explaining that because some of the evidence it had admitted during testimony contained settlement discussions, the court was going to amend its rulings and readmit that evidence subject to redactions of the settlement material. The court emphasized that it did not consider or read the settlement material.

Then came the rulings. The court denied Husband's claim for alimony *pendente lite*. The court granted Wife *pendente lite* child support in the amount of $1,935 per month with arrears of $7,740; Husband was to pay down the arrears by $350 monthly, bringing his total monthly child support obligation to $2,285. And lastly, the court awarded Wife 60%

of her attorneys' fees, a total of $27,017.91. The court memorialized its findings in an order issued on January 11, 2024.

On January 9, 2024, Husband filed a motion to reconsider the *pendente lite* order. Wife filed an opposition on January 25, 2024, arguing that the court should deny Husband's motion and award her $2,345 in attorneys' fees for having to file her opposition. On February 16, 2024, Husband noted his appeal from the *pendente lite* order. Five days later, on February 21, 2024, the court denied Husband's motion and deferred the attorneys' fees issue to the next hearing. Husband filed a notice of appeal that same day from that February 21, 2024, order.

4. This Court's Involvement

On February 23, 2024, Husband filed a motion (in this Court) to stay proceedings in the circuit court. He argued that the circuit court was exercising jurisdiction over the divorce proceedings wrongfully and despite Husband's "pending interlocutory appeal." He asked this Court to suspend "further proceedings in the Circuit Court pending the outcome of [his] appeal." Alternatively, he asked us to provide guidance as to the circuit court's remaining jurisdiction pending his appeal.

The following month, on March 4, 2024, we issued an order addressing Husband's notices of appeal and his motion to stay further proceedings. We noted that Husband's first and second notices of appeal (treated as the first appeal) stemmed from the October 3, 2023 order striking his motion for alimony *pendente lite*, the October 31, 2023 order denying reconsideration of that decision, and the December 1, 2023 order denying reconsideration

of the order denying Husband's request for a preliminary injunction. We stated that the first two orders Husband was appealing were not final judgments and thus not immediately appealable, so we dismissed them. *Next*, we denied Husband's motion to stay proceedings in the circuit court, highlighting that the circuit court retained jurisdiction in the divorce notwithstanding Husband's premature appeal. What remained was the appeal from the December 1, 2023 order denying Husband's motion to reconsider the denial of his preliminary injunction.

We recognized as well that Husband's other notices of appeal stemming from the *pendente lite* order and the denial of his motion to reconsider the *pendente lite* order would be the second appeal. We then consolidated that second appeal with what remained of the first.

5. Back to the Divorce Proceedings

Wife answered Husband's complaint for limited divorce on August 21, 2023 and asked the court to deny his request. On September 18, 2023, she filed a counter complaint for absolute divorce. She amended it on July 25, 2024, asserting grounds of a six-month separation and irreconcilable differences. She also sought, among other things, child support; an equitable distribution of all marital property; a monetary award; and attorneys' fees.

On August 1, 2024, Husband also filed an amended complaint for absolute divorce, asserting grounds of a six-month separation. He sought, in part, joint physical and legal custody, division and valuation of all marital property, and a monetary award. The circuit

court held a merits trial on August 26 and 27, 2024. On May 23, 2025, the court granted Wife an absolute divorce. The court also ordered, among other things, that Husband pay Wife monthly child support at a rate of $2,503; that Husband be entitled to a credit against the accrued *pendente lite* child support of $22,527; that all requests for alimony be denied; and that Wife refinance the marital home or assume the mortgage.

6. This Court's Show Cause Order

On June 27, 2025, this Court issued a show cause order after reviewing the record, Husband's appeals, and the final judgment. We asked that Husband "show cause to this Court, in writing, why [his] appeals should not be dismissed as moot, except as to the order for *pendente lite* attorney's fees." In his response, Husband argued that deeming his appeals moot "overlooks a fundamental point of law and equity" and that not addressing them would "insulate and perpetuate a miscarriage of justice rooted in procedural sleight-of-hand, misrepresentation, and selective admissibility." He added that this Court would still have to address those issues because they resolved his attorneys' fees issue. He thus asked this Court not to dismiss his issues as moot.

We include additional facts as necessary throughout the discussion below.

II. DISCUSSION

Husband presents several issues[2] which we have rephrased and consolidated as two.

[2] Husband identified the Questions Presented in his brief as follows:

1. Whether the Circuit Court abused its discretion in denying Appellant a preliminary injunction to reclaim his VA mortgage benefits where Appellee has no right to the benefits as a matter of law.
2. Whether the Circuit Court had the authority to hold a PL hearing at all.
3. Whether the Circuit Court abused its discretion in admitting evidence over Appellant's objection that the evidence had been deliberately altered.
4. Whether the Circuit Court abused its discretion in admitting evidence in violation of the rule on completeness.
5. Whether the Circuit Court abused its discretion in admitting partially redacted emails and other communications from settlement negotiations.
6. Whether the Circuit Court abused its discretion in finding that an attempt to intimidate Appellee into a settlement was proper grounds for imposing sanctions.
7. Whether the Circuit Court abused its discretion in imputing Appellant's teaching stipend when he was also fulling[sic] employed as an attorney.
8. Whether the Circuit Court erred in calculating Appellant's parenting time.

Wife framed the Questions Presented as:

1. Did the Trial Court Abuse Its Discretion in Denying Appellant a Preliminary Injunction?
2. Did the Trial Court Abuse Its Discretion in Holding a Pendente Lite Hearing?

Continued . . .

First, are Husband's challenges to evidentiary rulings and the court's decision to deny reconsideration of its denial of Husband's motion for preliminary injunction moot in light of the final judgment of absolute divorce? *Second*, did the court err in awarding attorneys' fees to Wife? We hold that Husband's appeals of *pendente lite* evidentiary rulings and the denial of his motion for preliminary injunction are moot and that the court didn't err in awarding attorneys' fees to Wife.[3]

3. Did the Trial Court Abuse Its Discretion in Admitting Evidence Over Appellant's Objection?

4. Did the Trial Court Err in Admitting a Partially Redacted Email Chain?

5. Did the Trial Court Err in Admitting Portions of Emails from Appellant That Were Specifically Not for Settlement Purposes Only and Which Were Otherwise Relevant to the Issues Before the Trial Court?

6. Did the Trial Court Abuse Its Discretion in Find[sic] that an Attempt to Intimidate Appellee into a Settlement Was Grounds for Imposing Sanctions?

7. Did the Trial Court Abuse Its Discretion in Finding the Appellant Had Voluntarily Impoverished Himself?

8. Did the Trial Court Abuse Its Discretion in Calculating Appellant's Parenting Time?

[3] We will not address Husband's question about the calculation of his parenting time because no arguments in his principal brief addressed it. Under Maryland Rule 8-504(a)(6), all briefs filed in this Court must contain an "[a]rgument in support of the party's position." Should a party not abide by this rule, we have the discretion to "dismiss the appeal or make any other appropriate order with respect to the case . . . ." Md. Rule 8-504(c). Husband's only argument appeared in his reply brief. "[A]lthough reply briefs are permitted under the Rules of appellate procedure, their function is limited to responding to points and issues raised in the appellee's brief." *Oak Crest Vill., Inc. v. Murphy*, 379 Md. 229, 241 (2004). A party must "articulate and adequately argue all issues the appellant desires the appellate court to consider in the appellant's initial brief." *Id.*

A. Given That There Is A Final Judgment of Absolute Divorce, Husband's Issues With The Evidentiary Rulings And Injunctive Relief Are Moot.

At the *pendente lite* hearing, Husband sought *pendente lite* alimony, whereas Wife argued that the court should deny his request and grant her *pendente lite* child support and attorneys' fees. During the hearing, Husband noted certain objections that would become the subject of his appeal. On appeal, he challenges various evidentiary issues, the court's analysis in awarding child support, and the denial of his motion to reconsider the denial of his preliminary injunction. He contends that the circuit court abused its discretion by admitting altered evidence, which violated his due process rights and misapplied the rule of completeness. With regard to child support, Husband argues that the court erred by including his teaching stipend as income and in calculating his parenting time. Wife counters that Husband did not preserve his due process argument and that, in any case, the court did not abuse its discretion in admitting the evidence over Husband's rule of completeness objection. Wife argues as well that the court's voluntary impoverishment analysis, which assessed Husband's teaching stipend, fell appropriately within the bounds of the factors a court assesses when considering voluntary impoverishment. And finally, Wife contends that Husband didn't present any "substantive argument" when faulting the circuit court's parenting time analysis.

Husband argues also that the court erred in denying him a preliminary injunction to reclaim his veteran's affairs mortgage benefits. He submits that the court erred as a matter of law because a "nonveteran has no legal right to retain her former spouses' VA mortgage

after a divorce." At the time he sought the injunction, the parties had not had a merits hearing and their divorce wasn't final. Wife responds that the circuit court didn't abuse its discretion in denying Husband's motion for a preliminary injunction.

At this point, though, the entry of a final judgment of divorce renders these questions moot. "An issue is moot 'when there is no longer an existing controversy between the parties at the time it is before the court so that the court cannot provide an effective remedy.'" *Cabrera v. Mercado*, 230 Md. App. 37, 85 (2016) (*quoting O'Brien & Gere Eng'rs, Inc. v. City of Salisbury*, 447 Md. 394, 405 (2016) (cleaned up)). We cannot provide an effective remedy at this point, and that ends the inquiry.

Pendente lite orders are "designed to provide for purely temporary needs on a short term basis, whereas the provisions for [spousal or child] support in a final judgment of divorce are perforce intended to be more permanent and cover equally essential but less frequently recurring living expenses." *Payne v. Payne*, 73 Md. App. 473, 481 (1988). As a result, a final divorce decree supersedes a *pendente lite* order, *Speropulos v. Speropulos*, 97 Md. App. 613, 617 (1993), and the final judgment here superseded the *pendente lite* order that Husband is challenging. The orders he challenges are no longer in force, and any relief we might have afforded him would be overtaken by the final judgment as well.

In *Krebs v. Krebs*, 183 Md. App. 102 (2008), a father filed for emergency custody of his two children after filing for divorce. *Id.* at 106. The court held the emergency hearing but highlighted that the children's mother was absent, so the court determined that the hearing and its disposition would be *pendente lite*. *Id.* at 106–07. The court then granted

the father *pendente lite* custody until the merits hearing. *Id.* at 107. Sometime later, the mother moved to have a *pendente lite* custody hearing, which the court denied. *Id.* at 108–09. At the merits hearing, the court awarded the father custody and the mother visitation. *Id.* at 109. The mother appealed, claiming due process violations from the court's decision to hold an *ex parte* emergency hearing granting custody and its refusal to hold another *pendente lite* hearing. *Id.* She argued that if the court indeed had found an emergency, it should have granted custody only until she could be present at a second interim hearing, and only then on a *pendente lite* basis pending a merits hearing. *Id.*

We held that these arguments were moot. *Id.* If everything the mother argued was correct, at best, this Court could only have vacated the *pendente lite* order and remanded the case for a new hearing where she could participate. *Id.* at 109–10. But we determined that the issue was moot because the mother had already been heard on the merits at trial. *Id.*; *see Cabrera*, 230 Md. App. at 86 ("[The] issue is moot because the final custody order is the current governing order and would still govern even if we vacated the emergency temporary custody order."); *see also Wright v. Phipps*, 122 Md. App. 480, 487 (1998) ("As a necessary predicate for alimony pendente lite, there must be actual litigation then pending, not a mere possibility of future litigation.").

These principles apply the same way here. Suppose Husband is correct, and the circuit court had abused its discretion in admitting evidence that was, as he called it, "deliberately altered," or in violation of the rule of completeness, or even the partially redacted emails. The best-case scenario for him would be for us to vacate the *pendente lite*

order and grant him a new *pendente lite* hearing. But that would be pointless and, more importantly, afford him no relief now that there is a final judgment of divorce. *Payne*, 73 Md. App. at 482 (citations omitted).

Husband's appeal of the court's decision to deny a preliminary injunction is moot as well. Husband asked the circuit court to "issue an injunction requiring [Wife] to sell or refinance the family home because [Husband] satisfies all the [preliminary injunction] requirements in spades." But as with the child support order, the final judgment of absolute divorce resolves this issue definitively: Wife "shall refinance or assume the mortgage connected with the Marital Home, such that [Husband] is removed of all liability therefor." That order essentially granted Husband the relief he sought from a preliminary injunction, but in any event leaves us no relief to grant him. *See Cabrera*, 230 Md. App. at 87 ("[E]ven if we granted [the mother] relief, it would have no consequence because a final custody order is already in place.").

Husband's arguments in response to the show cause order don't alter our analysis. He contends that the evidentiary rulings shaped the record not only for the *pendente lite* order, but for the remainder of the case. But again, the *pendente lite* order has been overtaken by the final judgment of divorce, so we couldn't give him any relief even if we agreed with him. And more importantly, Husband's opportunity to appeal from the final judgment of divorce lies ahead, and nothing about the mootness of his appeal from the *pendente lite* orders deprives him of any appealable arguments underlying the final judgment.

B. The Court Awarded Wife Attorneys' Fees Properly.

Next, Husband argues that the court abused its discretion in admitting correspondence between the parties from their settlement negotiations, which is inadmissible under Maryland Rule 5-408. He argues as well that the court erred by finding any of his attempts to intimidate Wife to be worthy of sanctions. Wife responds that the parties' correspondence was not admitted to prove the validity of a claim, but in connection with other matters before the court, namely, attorneys' fees. She adds that the court did not abuse its discretion in finding Husband's attempts to intimidate her as support for a fee award.

Ordinarily, we will not modify an attorneys' fees award on appeal unless the award is arbitrary or clearly wrong. *Gravenstine v. Gravenstine*, 58 Md. App. 158, 182 (1984) (*citing Lopez v. Lopez*, 206 Md. 509, 520–21 (1955)). "It is within the court's sound discretion to award such fees and we shall only disturb the court's ruling upon a showing of an abuse of that discretion." *Welsh v. Welsh*, 135 Md. App. 29, 44 (2000). "A court has discretion to base its award of attorney's fees on the fact that a litigant has engaged in conduct that produced protracted litigation." *Frankel v. Frankel*, 165 Md. App. 553, 590 (2005).

Although sanctions under Maryland Rule 1-341 are available in divorce proceedings, that rule "may be utilized only when 'the conduct of any party in maintaining or defending any proceeding was in bad faith or without substantial justification.'" *Miller v. Miller*, 70 Md. App. 1, 12 (1987) (*quoting* Md. Rule 1-341). A "court may not impose

sanctions under Rule 1–341 without rendering *specific findings of fact* on the record as to a party's bad faith or lack of substantial justification in pursuing a cause of action." *Barnes v. Rosenthal Toyota, Inc.*, 126 Md. App. 97, 106 (1999) (emphasis added).

During the *pendente lite* hearing, both Husband and Wife argued over whether Husband had acted in "bad faith," using the Rule's language. However, the court stated explicitly that "two statutes" that are "identical" govern Wife's request for attorneys' fees, given that the hearing concerned child support in the context of a divorce case. Those statutes are FL §§ 7-107 and 12-103. That does not mean that Rule 1-341 could not have applied, *Miller*, 70 Md. App. at 12, but on this record we read the circuit court to be grounding its decision in those statutes—especially given that after identifying those two statutes, the court went on to base its rationale solely on a lack of substantial justification on Husband's part.

"The award of attorneys' fees and costs in child support proceedings is controlled by [FL § 12-103]." *Davis v. Petito*, 425 Md. 191, 199 (2012). That statute focuses ultimately on the financial status of the parties, their needs, and whether there was substantial justification for bringing, maintaining, or defending the case:

> (a) The court may award to either party the costs and counsel fees that are just and proper under all the circumstances in any case in which a person:
>
> (1) applies for a decree or modification of a decree concerning the custody, support, or visitation of a child of the parties; or
>
> * * *
>
> (b) Before a court may award costs and counsel fees under this section, the court shall consider:
>
> (1) the financial status of each party;

> (2) the needs of each party; and
>
> (3) whether there was substantial justification for bringing, maintaining, or defending the proceeding.
>
> (c) Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party costs and counsel fees.

FL § 12-103. In the divorce proceeding context, the relevant statute defines the same parameters:

> (b) At any point in a proceeding under this title, the court may order either party to pay to the other party an amount for the reasonable and necessary expense of prosecuting or defending the proceeding.
>
> (c) Before ordering the payment, the court shall consider:
>
> (1) the financial resources and financial needs of both parties; and
>
> (2) whether there was substantial justification for prosecuting or defending the proceeding.
>
> (d) Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party the reasonable and necessary expense of prosecuting or defending the proceeding.

FL § 7-107(b)–(d).

The circuit court must "consider the parties' financial status, needs and whether there was a substantial justification for bringing, maintaining or defending a proceeding." *Davis*, 425 Md. at 200. Indeed "the 'absence of substantial justification of a party for prosecuting or defending the proceeding,' would, without good cause, result in an award of attorneys' fees and costs to the other party, so long as those fees and costs are

reasonable." *Id.* at 201 (*quoting* FL § 12-103). Substantial justification is "measured by the issues presented and the merits of the case, not the amount of attorneys' fees charged." *Id.* at 202. The circuit court must assess those merits against the reasonableness of each party's position. *Id.* at 204.

The court here did not abuse its discretion in awarding Wife attorneys' fees because Maryland Rule 5-408 and the rule of completeness are inapplicable, so the court did not violate them, and the record supported the court's finding that Husband protracted the divorce litigation without substantial justification.

First, Rule 5-408 didn't require the court to exclude documents generated in the context of party communications simply because they included settlement demands or offers. The Rule makes inadmissible any evidence offered "to prove the validity, invalidity, or amount of a civil claim in dispute . . . ." Md. Rule 5-408(a). But that evidence is "not excluded under this Rule when offered for another purpose." Md. Rule 5-408(c). Husband doesn't specify which disputed claim the evidence was offered to prove. And he doesn't argue that Wife offered the evidence to prove a disputed claim. He does argue that the circuit court compounded its errors by "redacting the emails" that included communications he characterized as settlement negotiations. But those emails, as offered during the hearing, were admitted for another purpose—attorneys' fees—not the validity (or invalidity) of a disputed claim. It's true that the court redacted part of the email chains, but that was to prevent the court from viewing the settlement information and allowing it to creep into the evidence. Indeed, the court even informed the parties that once it came

upon settlement discussions, it "immediately stopped reading those discussions and [was] totally unaware of the particulars." The court didn't abuse its discretion by navigating these emails in this fashion.

Second, the rule of completeness doesn't apply here either. At the hearing, Wife had attempted to introduce an email chain when Husband objected on relevance grounds, an objection the court overruled. The court reasoned that the emails pertained to Wife's attorneys' fees claim. Before issuing its decision on the *pendente lite* issues, the court informed the parties that it would be re-admitting some of the already admitted evidence subject to redactions. The email chain Wife had introduced was one of those. Husband objected again, this time citing the rule of completeness.

The rule of completeness requires that "[w]hen part or all of a writing or recorded statement is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it." Md. Rule 5-106. It "allows a party to respond to the admission, by an opponent, of part of a writing or conversation, by admitting the remainder of that writing or conversation." *Conyers v. State*, 345 Md. 525, 541 (1997). What it does not allow is inadmissible evidence entered under the guise of completing the objected-to evidence. *See id.* at 545 ("The doctrine of verbal completeness does not allow evidence that is otherwise inadmissible as hearsay to become admissible solely because it is derived from a single writing or conversation."); *see also Richardson v. State*, 324 Md. 611, 622–23 (1991) (highlighting that a party may not offer irrelevant or inadmissible

evidence under the rule of completeness) (citations omitted).

This situation doesn't implicate completeness. Husband argued that the email chain should have been excluded in its entirety. But the Rule would only have permitted him to admit the remainder of the email chain, not to exclude the whole thing. Md. Rule 5-106. Moreover, the remainder of the chain contained settlement material, which, as Husband points out, was inadmissible under Md. Rule 5-408. Here, he argues that the court's decision to redact these emails meant that the court "picked out the bits that made [Husband] look mean, and then, by [the court's] own admission, omitted and failed to consider the parts where [Husband] was making a generous settlement offer in order to dispose of the litigation in a reasonable and timely manner." Yet Husband argues also that the communications the court admitted were "inadmissible under Rule 5-408." He cannot have it both ways: either the court could have considered this evidence or it could not have. As the court ruled in response to Husband's objection, Husband "didn't want settlement negotiations as part of the record. And [the court] sustain[ed] that objection" and admitted the parts that didn't contain settlement discussions.

Third, the record supports the court's finding that Husband protracted the divorce litigation, and crucially, did so without substantial justification. The court began by assessing each party's financial status. It walked through Husband's monthly expenses, which were $1,325. When it assessed alimony *pendente lite*, the court had identified Husband's monthly expenses as $1,825. We recognize that conflicting factual findings as to one spouse's income may bar this Court from affirming an award of attorneys' fees. *See*

Simonds v. Simonds, 165 Md. App. 591, 616 (2005) ("[An] appellate court cannot affirm [the denial of attorneys' fees] when the circuit court has made conflicting findings of fact on the issue of the other spouse's income."). But on this record, we think the circuit court misspoke when assessing alimony. After all, it walked through Husband's financial statement, identifying each expense and how that total should have been $1,325. The court's math was correct. Then later, when assessing attorneys' fees, the court reiterated that Husband's monthly expenses were $1,325.

As for Husband's ability to pay, Wife testified that Husband had offered to pay her attorneys' fees. The court recognized Husband's offer, and took him at his word. The court then assessed Wife's expenses, which grew due to her attorneys' fees. As with Husband, the court relied on Wife's financial statement to identify her monthly expenses at $23,405.77, grounding this finding in the record. Part of that included a $14,700.88 deficit, which also came from her financial statement. The court's approach followed the statutory factors relating to the parties' financial statuses and their needs and the court did not abuse its discretion. *See* FL § 12-103(b).

Next, the court assessed Husband's litigation positions and actions and determined reasonably that they weren't substantially justified. A notable theme throughout Husband's litigation tactics for the circuit court was what the court perceived as Husband's anger toward Wife for the divorce and his desire for retribution. And as the record reflects, Husband expressed the desire to prolong the divorce and exhaust Wife's financial resources:

- In text messages dated July 8, 2023, Husband wrote:

> It is certain that a divorce will destroy one or both of us financially. It is certain that a divorce will destroy one or both of us financially. It is certain that a divorce will destroy one or both of us financially. It's worth repeating. It is certain that a divorce will destroy one or both of us financially. The only way this doesn't destroy one of us is if that person attempts to take everything. Neither of us has the facts or the law to attain that kind of outcome, note[sic] would I want to do that to you even if I were able.
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> * * *
>
> There is simply no way we can afford to get divorced right now. So this is what I propose: Table this divorce for six months.

The court found here that Husband was attempting to destroy Wife financially and get her to regret seeking a divorce. The court noted that although Husband initiated the divorce proceedings, the evidence before the court indicated that it was Wife who wanted the divorce, not Husband.

- Email dated August 22, 2023: Husband states that Wife runs the risk in this litigation that he attains "a finding that [she] lied to a judicial officer. In that event, [Wife] will almost immediately go on the 'Giglio List' at the Justice Department. She will never be permitted to testify in any proceeding for the remainder of her career — assuming she keeps her job and security clearance." The court found that while this pertained to separate litigation, Husband was using it as leverage in this divorce litigation to intimidate Wife. He even conceded in this Court that he was doing so, labeling this "tough talk designed to encourage [Wife] into a settlement."

- Email dated October 11, 2023: Husband states that Wife "will be bankrupt by January." The court found that this was Husband's intent. Given that he was representing himself and that he did not want a divorce, he was able to avail himself of attorney-level work without

incurring monetary costs. In turn, he could prolong the litigation. On the other hand, Wife would have had to pay for her representation, as she had hired counsel.

- Email dated October 24, 2023: Husband states that he "will not negotiate with Defense Counsel. [He] will not participate in mediation." He wants his "day in court to expose all the circumstances of [their] failed marriage to scrutiny." He adds that this "is the price that [Wife] pays for trying to cheat the system." As the court found, this was an email to Wife's Counsel, with the parties' court-assigned mediator attached to it.
- Email dated October 27, 2023: Husband wrote to Wife's counsel stating that "if you talk your friends at the courthouse into abusing their discretion, this case is probably going to end up on appeal (I love appellate litigation). How do you think that is going to affect [Wife's] bottom line?" The court found this as further proof of Husband trying to make the litigation "impossible financially" for Wife to continue.
    - In the same email chain, upon the parties receiving confirmation and scheduling for their court-ordered mediation, the circuit court directed the parties to submit a Pre-Mediation Statement that captures the dispute as they see it, including the legal issues and the strengths and weaknesses of their respective cases. Husband responded, stating in part that he would not accept any settlement terms except those he had already expressed and that he would not take "time out of [his] week to do homework."
    - He followed those emails up stating that he would not be paying Wife anything because he did not "have any money," and that the court could only "blame [Wife] or itself for that. It took six months just to get a [*pendente lite*] hearing."
- Email dated October 31, 2023: after threatening Wife with appellate litigation, he emails his Notice of Appeal to Wife's counsel, again with the court-appointed mediator attached, with the words "I warned you."
- Email dated December 22, 2023: Husband states that he

> does not "care if [Wife] burns through her life savings and her inheritance fighting this case, nor will [he] shed a single tear if [Wife's] sister ends up spending a few days in jail. If you think [Husband has] been a jerk up to this point — stand by."

- Email dated December 30, 2023: Husband wrote that Wife's counsel knew "next to nothing about appellate litigation," so he would be their teacher. He referred to Wife's motions as "petulant and nonsensical . . . ." Husband added that because he filed "proper notices of appeal," the circuit court could not adjudicate the remaining matters until this Court issues its decision. During that time, according to Husband, the circuit court would be "powerless to enter even a pendente lite order granting [Wife] interim support of any kind. And [Husband was] not giving her anything out of the goodness of [his] heart at this point. She will get nothing for as long as it takes for [this Court] to clear its log jam." The court found that Husband's actions and litigation strategy protracted the litigation and made it more expensive.

The court recognized as well that Husband had treated his previous litigation foes in a similar manner, such as when he threatened one adversary that they would be fighting Husband for decades because he would be unrelenting:

> [I]f you fail to take me up on this offer, this is going to get a lot worse for you before it gets better, even if you manage to win. You will spend decades fighting me. I will come at you with the ferociousness and tenacity that earned me my Trident and which killed Osama bin Laden.

Although she wasn't his adversary in that litigation, Husband copied Wife on that email, presumably to bolster his point. As the court recognized, Husband's anger and hostility in his tone persisted across his communications with Wife and her counsel.

Aside from his communications with Wife's counsel, the court also reviewed some

of Husband's filings in the circuit court and found that they too protracted the litigation. These included a motion to show cause against himself as to why he should not be held in contempt. The court found that Husband filed this motion in response to Wife's counsel informing Husband that he was violating the parties' consent order. During the hearing, he explained his actions there, revealing that he did so to silence Wife's counsel:

> [DEFENSE COUNSEL]: You filed in this matter not just the request for a jury trial, but you also filed a petition for contempt against your own self, right?
>
> [HUSBAND]: Yes. Because you kept — they kept making unreasonable threats against me, and I just needed to get you to quiet down, frankly.
>
> [DEFENSE COUNSEL]: Let's be clear. Your — the consent order that you signed prohibits you from contacting your wife about anything that's not related to the children, right?
>
> [HUSBAND]: Yes.
>
> [DEFENSE COUNSEL]: And you continue to contact her about a lot of other things, right?
>
> [HUSBAND]: No.
>
> [DEFENSE COUNSEL]: You sent her love poems.
>
> [HUSBAND:] Sure.
>
> [DEFENSE COUNSEL]: Right? And I said, Mr. Charles, you need to stop so you're not in contempt, right?
>
> [HUSBAND]: Yes.
>
> [DEFENSE COUNSEL]: And in response to me saying to you stop, you filed a petition for contempt against yourself.
>
> [HUSBAND]: Yes.
>
> [DEFENSE COUNSEL]: And then we had to file an opposition to your petition against yourself.
>
> [HUSBAND]: You didn't have to file an opposition. If you don't like me and you want me to be sanctioned, why would you file an opposition to get — to a motion I filed against myself? You didn't have to do anything. You could have just

> let it ride.
>
> [DEFENSE COUNSEL]: Oh, sure. And then go to court over that?
>
> [HUSBAND]: No. If I file — if I file a motion against myself and you don't oppose it, then just grant it. I have no idea why you filed an opposition to that.
>
> THE COURT: Is this some sort of a joke on the legal system that you're filing a petition for contempt against yourself?
>
> [HUSBAND]: It's because they kept threatening me with contempt. I said fine, just, just go ahead and file it. They wouldn't do it. So I did, I did it.
>
> THE COURT: But you realize then the court system has to process that paperwork and schedule a hearing, correct? You realize that?
>
> [HUSBAND]: But — but she didn't.
>
> THE COURT: But are you telling me that you're okay with then the court system having to engage in this type of work because you want to make a snarky point to opposing counsel?
>
> [HUSBAND]: No, it wasn't a snarky point. I thought what I did was fine. I thought it was consistent with the terms of the agreement. I said if you think this is wrong, go ahead and file it. And I — and they — they just —
>
> THE COURT: But what — why is it okay to file a petition for contempt against yourself? What's the purpose of that?
>
> [HUSBAND]: To get a — to get a determination as to whether what I was doing was actually problematic. I didn't think it was problematic.
>
> THE COURT: To get an advisory opinion from the Court.
>
> [HUSBAND]: Well, it's not advisory. I mean, it actually comes with sanctions.
>
> THE COURT: Okay.

As the court pointed out, this behavior was unreasonable and was carried out for the purpose of being "snarky." It created unnecessary work for the court, increased Wife's attorneys' fees as her attorneys would have to respond. And yet, as the court found,

Husband's actions were not substantially justified.

The court found that Husband's other filings dragged Wife through a mire of litigation, and the record supported that finding. After filing for a limited divorce, Husband filed a jury demand. The circuit court recognized that Wife responded by filing a motion to strike the jury demand, informing Husband that FL § 1-201(b) does not permit jury demands in Maryland divorce cases. Husband then filed an opposition to that motion. Husband—a barred Maryland attorney who operates his own law firm—asserted that he "did not know the law when [he] filed [his] jury demand," and that filing a jury demand "was an error." The Court viewed Husband's efforts as designed to "paper the defense to death."[4] After all, Wife's counsel had informed him of the statutory provision that grants courts sitting in equity their jurisdiction over divorces, but Husband filed his opposition anyway.

Husband's other filings included a motion for alimony *pendente lite* despite his complaint for limited divorce already requesting alimony. The court found correctly that

[4] Of note, in closing argument, Husband began by stating that he "shouldn't have filed the — the jury demand." Then, he qualified that statement, claiming that "the jury demand thing . . . did have a little bit substantial merit because [Husband] was trying to consolidate this case with the — with the defamation case." Then, in response to a question from the court whether Husband thought he could consolidate the two cases, he answered "yes, if you have a case that involves both questions of, you know, of legal causes of action and equity causes of action, you can have a jury demand." He concluded by stating that he did not know better at the time he filed his jury demand and that he was "pleading ignorance truthfully. [He] didn't know what [he] was doing." Whatever his true motives, and we don't have to divine them here, Husband's jury demand was never justified in the least.

this motion was unnecessary[5] and another way for Husband to embarrass Wife. The motion included exhibits, some of which contained the email Wife sent requesting a divorce, Wife's interim protective order, and Husband's communications threatening Wife with divorce. The record supported the court's conclusions.

Husband also filed a motion for one of the judges on the circuit court that had adjudicated one of his earlier motions to recuse. The court found that Husband simply picked out one of the judges who ruled against him to file this motion against and that the motion lacked substantial justification. The court noted as well Husband's motion to consolidate his defamation suit against Wife with this divorce litigation. This was an effort to embarrass and intimidate Wife, as Husband aimed to air his grievances with her in front of a jury. Again, this motion came after Wife had already informed Husband that a court in equity has jurisdiction over a divorce case. Nevertheless, Husband persisted, stating in the motion to consolidate that Wife "has thus far resisted [Husband's] demand for a jury trial in the divorce action." The record amply supports the court's finding that these positions were not substantially justified.

The court concluded with Husband's motion for a preliminary injunction. Husband sought the injunction to force Wife to sell the marital home or refinance it so, he said, he

[5] In their *Maryland Family Law* treatise, the authors state that the "utility for a limited divorce today is as the basis for seeking temporary child support, alimony, custody, use and possession, etc." Cynthia Callahan & Thomas C. Ries, *Fader's Maryland Family Law* § 4-2 (7th ed. 2021). Notably, in the time since Husband filed his complaint for a limited divorce, the statute authorizing limited divorces in Maryland has since been repealed. Acts 2023, c. 645, § 1, c. 646, § 1 (repealed Oct. 1, 2023).

could reclaim his veteran's affairs benefits. The court denied this motion, reasoning that issues related to distributing marital property would be adjudicated at the merits hearing (and now they have been). Husband nevertheless filed a motion to reconsider.

As Husband communicated with Wife and her counsel and filed all these motions, Wife's counsel had to respond. With each motion came an opposition. With each opposition came a reply. And as the court entered each order, Husband filed a motion to reconsider. He knew exactly what he was doing—he said the quiet parts out loud, both in his voice and by email, then followed through. As the circuit court put it, Husband ramped up Wife's attorneys' fees as an exercise of his anger and to dissuade her from continuing the divorce litigation. Not only that, when communicating with his adversary, the court found that Husband insulted Wife and her counsel. The court found, and we agree, that Husband's behavior, strategy, and tactics protracted the litigation.

The court did not find that Husband had any good cause for the protracted litigation. Having found that Husband lacked a substantial justification to litigate his case in this manner, the court moved on to reasonableness. *See Davis*, 425 Md. at 206 (noting that if circuit court finds that party lacked substantial justification in bringing a claim under FL § 12-103 and there is no good cause finding to the contrary, only consideration left for court is reasonableness of opposing party's attorneys' fees). The court found Wife's counsel's fees reasonable, and Husband doesn't argue otherwise. The court recognized that the work Wife's counsel performed was not just reasonable but necessary. Her counsel could not sit by idly as Husband filed motion after motion. She had to respond and did so.

The court did not abuse its discretion in ordering Husband to pay Wife's attorneys' fees.

JUDGMENT OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. APPELLANT TO PAY COSTS.