

Circuit Court for Baltimore County
Case No.: C-03-CV-23-004444

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1916

September Term, 2024

VINCENT BANKS

v.

MANUFACTURERS AND TRADERS
TRUST COMPANY, *et al.*

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 17, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In November 2023, Appellant Vincent Banks sued Appellee Manufacturers and Traders Trust Company (“M&T”), in the Circuit Court for Baltimore County, alleging identity theft, fraud, and negligence. According to Banks, in May 2018, M&T allowed his late wife, who Banks claims was a vulnerable adult, to revoke a power of attorney that named him as her “attorney in fact.” Banks alleged that this enabled his wife’s aunt and sister to misappropriate \$14,894.50 from her account. M&T moved to dismiss the complaint as time-barred by the statute of limitations and for failure to state a claim upon which relief could be granted. The circuit court dismissed Banks’s claims of identity theft and fraud because the complaint did not allege any misrepresentations by any M&T employee. The court denied the motion as to Banks’s negligence claim, however, because “there [was] a question of fact” about when Banks learned of the “misappropriation of funds.” The court also directed Banks to amend the complaint to bring the claim in his capacity as Personal Representative of his wife’s estate.

Banks, in his capacity as Personal Representative of the Estate of Tanya Banks, eventually filed an amended complaint alleging the same three causes of action. M&T then moved for summary judgment, again arguing that the complaint was barred by the statute of limitations and failed to state a claim upon which relief could be granted. After a hearing, the court concluded that Banks’s claims were time-barred and granted the motion. This appeal followed.

We review a circuit court’s grant of summary judgment *de novo*. *Westminster Mgmt., LLC v. Smith*, 486 Md. 616, 637 (2024). In doing so, we “undertake[] an independent review of the record to determine whether a genuine dispute of material fact

exists and whether the moving party is entitled to judgment as a matter of law.” *Id.* (cleaned up).

Banks’s claims fall under the general statute of limitations for civil cases: three years from the date of accrual. *See* Md. Code Ann., Cts. & Jud. Proc. § 5-101. His complaint alleges that the tortious conduct here occurred in May 2018. He did not file suit until five years later, well outside the statute of limitations. Even so, Banks contends that his claim did not accrue until he gained access to his wife’s account information in 2021. He is wrong.

To be sure, “Maryland courts recognize the discovery rule[,]” which is “applicable generally in all actions[.]” *Est. of Adams v. Cont’l Ins. Co.*, 233 Md. App. 1, 25 (2017) (cleaned up). Under this rule, a “cause of action accrues when the claimant in fact knew or reasonably should have known of the wrong.” *Poffenberger v. Risser*, 290 Md. 631, 636 (1981). “The concept of ‘inquiry notice’ controls when limitations begin to run.” *Est. of Adams*, 233 Md. App. at 25. A claimant is on inquiry notice when they have “knowledge of circumstances which would cause a reasonable person” in their position “to undertake an investigation which, if pursued with reasonable diligence, would have led to knowledge of the alleged tort.” *Id.* (cleaned up). “Generally, once on notice of one cause of action, a potential plaintiff is charged with responsibility for investigating, within the limitations period, all potential claims and all potential defendants with regard to the injury.” *Id.* at 26 (cleaned up).

At the hearing on M&T’s motion, Banks admitted that he knew about the alleged misappropriation of his wife’s money in August 2018. Indeed, he claimed to have reported

the alleged theft to the Anne Arundel County Department of Social Services on August 14, 2018. A reasonable person in Banks’s position would have “undertake[n] an investigation which, if pursued with reasonable diligence, would have led to knowledge of the alleged tort[s].” *Id.* at 25 (cleaned up). He was therefore charged with inquiry notice, and the statute of limitations began running no later than August 14, 2018. As a result, Banks had until August 14, 2021, to file a complaint on behalf of his wife or her estate.¹ He did not do so until more than two years later. Consequently, his complaint was time-barred, and the circuit court did not err in entering summary judgment in favor of M&T.

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

¹ Banks’s wife passed away on September 13, 2019, and Banks was appointed as personal representative of her estate on September 21, 2020.