Circuit Court for Montgomery County
Case No. C-15-CV-23-003424

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 2053

September Term, 2024

DANIEL GOLDMAN

v.

PROGRESSIVE SPECIALTY INSURANCE COMPANY

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

JJ.

PER CURIAM

Filed: September 15, 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.

Daniel Goldman, appellant, was involved in an accident with an unknown driver. After his insurance provider, Progressive Specialty Insurance Company, appellee, denied him coverage under the Uninsured Motorist Provision of his policy, appellant filed a complaint for breach of contract in the Circuit Court for Montgomery County. At trial, the jury determined that the unknown motorist was negligent with respect to the accident. But it also found that appellant was contributorily negligent. Judgment was therefore entered in favor of appellee. Appellant now appeals raising a single issue: whether the court erred in refusing to instruct the jury regarding comparative negligence.[1] For the reasons that follow, we shall affirm.

Contributory negligence has been the law of this State since 1847, when the Supreme Court of Maryland adopted the doctrine in *Irwin v. Sprigg*, 6 Gill. 200, 205 (1847). And in *Coleman v. Soccer Association of Columbia*, 432 Md. 679 (2013), the Supreme Court most recently affirmed that contributory negligence remains the law in Maryland. Appellant asserts that since *Coleman*, "it has become clear that contributory negligence is no longer suited to the needs of the people of Maryland" and for various reasons, requests that we "substitute the doctrine for comparative negligence." But regardless of what issues may exist with the doctrine of contributory negligence, we are in

[1] Appellee contends that this issue is not preserved because, after the court instructed the jury, appellant did not renew his objection "stating distinctly the matter to which the party objects and the grounds of the objection." *See* Maryland Rule 2-520(e). We need not resolve this issue, however, because even if we assume that appellant's claim is preserved, reversal is not required.

no position to abrogate it. That is for either the Supreme Court or the General Assembly to do. *See Coleman,* 432 Md. at 691-93 (explaining the Supreme Court's authority to modify the common law); *see also Scarborough v. Altstatt,* 228 Md. App. 560, 577 (2016) (noting that rulings of the Supreme Court of Maryland remain "the law of this State until and [u]nless those decisions are either explained away or overruled by [the Supreme Court] itself" (internal quotation marks and citation omitted)). Because contributory negligence remains the law in Maryland, the trial court did not err in refusing to instruct the jury on comparative negligence.

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