Circuit Court for Montgomery County
Case No. C-15-CV-24-002605

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 2057

September Term, 2024

DORA L. ADKINS

v.

EURO MOTORCARS BETHESDA, LLC

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.

Dora L. Adkins, appellant, appeals from an order, issued by the Circuit Court for Montgomery County, dismissing with prejudice her complaint against Euro Motorcars Bethesda, LLC, appellee, for intentional infliction of emotional distress (IIED) and punitive damages. She raises two issues on appeal: (1) whether the court erred in granting the motion to dismiss because she claims it was moot in light of appellee's failure to file a timely answer, and (2) whether the court erred in granting the motion to dismiss on the merits. For the reasons that follow, we shall affirm.

On May 22, 2024, appellant filed a complaint against appellee, raising a claim of IIED, and requesting punitive damages. The complaint alleged that appellant had leased a vehicle from appellee, and that over the next several years, appellee had failed to properly service the vehicle and provided her with false information regarding the work that they had done. Among other things, she alleged that appellee had failed to properly train their employees, failed to know how much oil should be refilled and removed, failed to repair her tires and axle boot, failed to replace her windshield wiper blades and air filter, and otherwise did not correct the concerns that she had regarding the lack of service, despite knowing that it was causing her panic attacks. Appellant further alleged that this vehicle was her "ONLY form of transportation" and "ONLY shelter," and that as a result of the failure to service the vehicle she: (1) was "in jeopardy of causing an automobile accident" and becoming "stranded at ANYTIME;" and (2) had received two tickets because she was unable to complete a Virginia Vehicle Safety Inspection. In addition to causing "panic attacks," appellant claimed that the failure to properly service her vehicle had caused her severe emotional distress by placing her "INTO A STATE OF SHOCK."

The summons and complaint were served on appellee on July 10, 2024. On August 8, 2024, appellee filed a motion to dismiss for failure to state a cause of action upon which relief could be granted. Specifically, appellee contended that the complaint failed to allege facts which, even if true, demonstrated that its conduct was "extreme and outrageous[,]" that it acted with "intent or recklessness[,]" or that appellant had suffered "emotional distress of a severe nature." Appellee further asserted that appellant's claim for punitive damages must be dismissed because it was not a separate cause of action. The motion to dismiss was amended in form, but not in substance, on August 12, 2024.

Appellant filed an opposition to the motion to dismiss, noting that appellee had not denied the claims that she raised in her complaint. Several days later, she also filed a motion for default judgment, because appellee had not filed an answer to her complaint within 30 days. The court denied the motion for default judgment. Following a hearing, the court granted the appellee's motion to dismiss with prejudice. Appellant filed a timely motion for reconsideration, wherein she asserted that the court had erred in denying the motion to dismiss on the merits, and in not granting her a default judgment. The court also denied that motion. This appeal followed.

Appellant first contends that the court erred in granting the motion to dismiss because it was moot in light of appellee's failure to file a timely answer. She further asserts that the failure to file an answer caused appellee "to be in Default and lose all rights to defend the Emergency Complaint[.]" In the instant case, appellee was served with the summons and complaint on July 10, 2024. Therefore, it would normally have had 30 days, or until August 9, 2024, to file an answer. However, appellee filed its motion to dismiss pursuant

to Maryland Rule 2-322 on August 8, 2024.[1] And when a timely motion to dismiss is filed pursuant to that Rule, as occurred here "the time for filing an answer is extended without special order to 15 days after entry of the court's order on the motion[.]" Maryland Rule 2-321(c). Appellee was, therefore, not required to file an answer prior to the court ruling on its motion to dismiss. Consequently, the court did not err in denying appellant's motion for default judgment, and in deciding appellee's motion to dismiss on the merits.

Appellant also contends that the court erred in granting the motion to dismiss, and in denying her motion for reconsideration, on the merits. Again, we disagree. As an initial matter, appellant does not raise any specific arguments as to why the factual allegations raised in her complaint were sufficient to state a cause of action for IIED, or why her claim for punitive damages should not have been dismissed. Instead, she only asserts that the court "did not address a material factual or legal matter" that she presented in her "rigorously and accurately submitted . . . Objections to the [] Motion to Dismiss[.]" Consequently, we need not consider this claim on appeal. *See Klauenberg v. State*, 355 Md. 528, 552 (1999) (noting that "arguments not presented in a brief or not presented with particularity will not be considered on appeal").

But even had the issue been properly briefed we would find no error. The test for a sufficiently pleaded cause of action in IIED is "rigorous, and difficult to satisfy." *Kentucky Fried Chicken Nat'l Mgmt. v. Weathersby*, 326 Md. 663, 670 (1992) (quotation marks and

[1] Although appellant states in her brief that the motion to dismiss was filed on August 12, 2024, the record indicates that appellee's first motion to dismiss was filed on August 8, 2024.

citation omitted). A claim for IIED must satisfy all of the following elements in order to be successful: "'(1) The conduct must be intentional or reckless; (2) The conduct must be extreme and outrageous; (3) There must be a causal connection between the wrongful conduct and the emotional distress; [and] (4) The emotional distress must be severe.'" *Lindenmuth v. McCreer*, 233 Md. App. 343, 368 (2017) (quoting *Lasater v. Guttmann*, 194 Md. App. 431, 448 (2010)). Outrageous conduct is defined as an act "'so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.'" *Lindenmuth*, 233 Md. App. at 369 (quoting *Pemberton v. Bethlehem Steel Corp.*, 66 Md. App. 133, 160 (1986)). "[M]ere insults, indignities, threats, annoyances, petty oppressions, or other trivialities" are not sufficient. *Harris v. Jones*, 281 Md. 560, 567 (1977) (quotation marks and citation omitted). We have emphasized that "the tort is to be used sparingly and only for opprobrious behavior that includes truly outrageous conduct." *Lasater*, 194 Md. App. at 450 (quotation marks and citation omitted).

Here, we need not discuss every element of IIED in detail, because appellant failed to establish that appellee's conduct was extreme and outrageous. In *Haines v. Vogel*, 250, Md. App. 209, 230-31 (2021), we noted that:

> A claim for IIED has been sustained in Maryland four times. And, indeed, the tort has been found to exist in only the most extreme circumstances. *See Faya v. Almaraz*, 329 Md. 435 (1993) (reversing dismissal when HIV-positive surgeon operated on the appellants without their knowledge of his disease); *Figueiredo-Torres* [*v. Nickel*, 321 Md. 642 (1991)] (reversing dismissal when plaintiff alleged psychologist engaged in sexual relations with plaintiff's wife during the time he was counseling the couple); *B.N. v. K.K.*, 312 Md. 135 (1988) (sustaining cause of action for IIED when a physician with herpes had sex with nurse without informing her

> that he had the disease and infected her); *Young v. Hartford Accident & Indem. Co.*, 303 Md. 182 (1985) (reversing dismissal when workers' compensation insurer insisted that claimant submit to psychiatric evaluation for the "sole purpose" of harassing her and forcing her to drop her claim or commit suicide).

While appellant is clearly frustrated and angry by appellee's casual dismissal of her concerns, and alleged failure to properly service her vehicle, we are not persuaded that this is the sort of extreme and outrageous behavior that Maryland recognizes to sustain a finding of IIED. In other words, it does not "go beyond all possible bounds of decency[.]" *Harris*, 281 Md. at 567 (quotation marks and citation omitted).

For the foregoing reasons, we hold that appellant's complaint failed to state a cause of action for IIED. Moreover, it is a "well settled proposition in Maryland law that a cause of action does not exist for punitive damages alone." *Shabazz v. Bob Evans Farms, Inc.*, 163 Md. App. 602, 639 (2005). Because appellant's complaint did not raise any other causes of action, the court did not err in dismissing her complaint with prejudice, and in denying her motion for reconsideration.

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