

Circuit Court for Baltimore City  
Case No.: 24C20001174

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2109

September Term, 2021

---

MAUSEAN CARTER

v.

MECU OF BALTIMORE, INC.

---

Graeff,  
Zic,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: September 28, 2022

\*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.

Mausean Carter, appellant, sued MECU of Baltimore, Inc., appellee, in the Circuit Court for Baltimore City alleging breach of contract and negligence. After the parties completed discovery, MECU filed a motion for summary judgment, which the circuit court granted. On appeal, Carter presents three questions for our review, rephrased and reordered here: (1) Did the circuit court err by denying Carter’s request for modification of the pretrial scheduling order? (2) Did the circuit court err by denying Carter’s motion to compel discovery? (3) Did the circuit court err by not issuing the subpoenas Carter requested?<sup>1</sup> For the following reasons, we shall affirm.

Carter’s first two questions are governed by the same standard: Both decisions—whether to modify a scheduling order and whether to compel discovery—are committed to the circuit court’s discretion. *Asmussen v. SCX Transp., Inc.*, 247 Md. App. 529, 551 (2020) (scheduling order); *Gallagher Evelius & Jones, LLP v. Joppa Drive-Thru, Inc.*, 195 Md. App. 583, 597 (2010) (discovery). As such, our review of them is “quite narrow[.]” *Gallagher Evelius & Jones*, 195 Md. App. at 597 (quotation marks and citation omitted). We will only reverse if there has been an abuse of discretion. *Id.* This occurs when “no reasonable person would take the view adopted by” the circuit court or when it acts “without reference to any guiding rules or principles.” *Id.* We do not find any abuse of discretion here.

---

<sup>1</sup> Carter styles these as two questions: (1) Did the lower court err in failing to rule on and consider the appellant’s request for the modification of the pretrial scheduling order and the issuance of subpoenas for records, reports, and witnesses? (2) Did the lower court err in allowing the appellee to withhold information during discovery that was requested by the appellant and permitting the appellee to argue the necessity of the information that was withheld from the appellant and could have defeated its summary judgment motion?

Carter first contends the circuit court erred when it denied his request to modify the scheduling order. We disagree. Carter filed a motion seeking to extend all dates in the original scheduling order. The circuit court denied his motion “to the extent he request[ed] a general extension of dates,” but still extended the closest deadline by 30 days. Nothing in the circuit court’s order barred Carter from requesting additional extensions for other deadlines in more specific motions. Despite this, he never requested any. We cannot say “no reasonable person” would have adopted the circuit court’s view here. Therefore, the court did not abuse its discretion.

Carter next contends the circuit court erred when it denied his discovery motion. Again, we disagree. During discovery, Carter filed two Motions to Compel. The circuit court denied the first as moot because MECU served its responses while the motion was pending. Carter withdrew the second himself after he received MECU’s responses. Carter did not file any other motions to compel or request sanctions. We only review what the circuit court ruled on and thus only examine its denial of Carter’s first motion. *See DeLuca v. State*, 78 Md. App. 395, 398 (1989). Because MECU’s responses had been served by the time the circuit court denied Carter’s motion, we do not find it was an abuse of discretion to do so.

Carter’s final contention implicates one of the most fundamental tenets of appellate review: Only a judge can commit error. *Id.* Carter twice requested the clerk issue subpoenas to aid him in preparing his case, as required under Maryland Rule 2-510(b)(1). The clerk was, in turn, required to comply with Carter’s requests. *See id.* Although it is not clear why, based on our review of the record, it does not appear that the clerk ever did

so. The issue Carter faces on appeal, however, is that he never petitioned the trial judge to do anything about the clerk’s inaction. Our review looks “only to the rulings made by a trial judge, or to [their] failure to act when action was required, to find reversible error.” *DeLuca*, 78 Md. App. at 398 (quotation marks, citation, and emphasis omitted). Put another way: Clerks do not commit error; only judges do. *See id.* Therefore, even if the clerk’s inaction prejudiced Carter, his failure to petition the trial judge leaves us with nothing to review, and no error to reverse.

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