Circuit Court for Prince George's County
Case No. CAL22-29842

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2134

September Term, 2023

CHARLENE SUKARI HARDNETT, ET AL.

v.

MARTINA JORVE HANSEN

Zic,
Kehoe, S.,
McDonald, Robert N.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: July 17, 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 its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This case arises from an October 2019 car accident involving Charlene Sukari Hardnett, Rachel Hardnett (collectively, "Hardnetts"), and Martina Hansen.[1] On September 30, 2022, the Hardnetts filed a complaint ("Original Complaint") against Ms. Hansen[2] in the Circuit Court for Prince George's County. The Hardnetts subsequently filed two unsuccessful motions to stay.

After the Hardnetts failed to respond to discovery requests, Ms. Hansen moved for sanctions. Without responding to the motion for sanctions, the Hardnetts filed a third motion to "Stay/Continue/Postpone[.]" The court granted this request and ordered Ms. Hardnett to coordinate with Ms. Hansen's counsel to reschedule future proceedings. Ms. Hardnett did not coordinate or reschedule as ordered. On July 26, 2023, following the hearing on Ms. Hansen's motion for sanctions, the court granted the motion and barred the Hardnetts from presenting evidence at trial.

[1] Charlene Sukari Hardnett is an attorney licensed in Maryland. She represented herself and Rachel Hardnett in the underlying case and appears as the Hardnetts' counsel in the present appeal. We refer to Charlene throughout this opinion as "Ms. Hardnett."

[2] The Original Complaint also lists Ms. Hansen's husband, Erik-Lars Hansen, as a co-defendant. Summonses were then issued to the "USAA Insurance Co[mpany]" and Commissioners Albert Redmer and Kathleen Birrane of the Maryland Insurance Administration, although neither the insurance company nor either insurance commissioner was identified as a "defendant" in the Original Complaint or amended complaint. As best we can discern, these summonses were the result of Ms. Hardnett listing USAA and the insurance commissioners on pleadings with the note: "SERVE UPON[.]" Mr. Hansen and USAA were later dismissed from the proceedings, and both Commissioner Birrane and former Commissioner Redmer continued to be listed as "[d]efendants[.]" We observe that, because the Hardnetts do not challenge the dismissals of USAA and Mr. Hansen, and expressly exclude the commissioners from the scope of their appeal, the only appellee before this Court is Ms. Hansen.

At trial on November 28, 2023, the court verbally granted Ms. Hansen's motion for judgment in her favor, and entered a written judgment on December 12, 2023. The Hardnetts now appeal.

QUESTIONS PRESENTED

The Hardnetts present three questions for our review, which we have rephrased as follows:[3]

1. Whether the circuit court abused its discretion in denying the first two motions to stay.

2. Whether the circuit court abused its discretion in granting the motion to compel.

3. Whether the circuit court abused its discretion in ordering discovery sanctions.

For the following reasons, we affirm.

BACKGROUND

On October 1, 2019, the Hardnetts and Ms. Hansen were involved in a car accident in Largo, Maryland. Nearly three years later, on September 30, 2022, the

[3] The Hardnetts phrase the questions as follows:

1. Did the [c]ircuit [c]ourt Abuse its Discretion in Denying [the Hardnetts'] First and Second Motions to "Stay" the Proceedings?
2. Did the [c]ircuit [c]ourt Abuse its Discretion in Granting [Ms. Hansen's] Motion for Discovery Sanctions, and Denying [the Hardnetts'] Motion, Made at Trial, to Reconsider the Sanctions?
3. Did the [c]ircuit [c]ourt Commit Reversible Error by Granting [Ms. Hansen's] Motion to Compel by Default, in the Absence of Service on the [Hardnetts?]

Hardnetts filed the Original Complaint against Ms. Hansen for negligence and negligence per se. On December 14, 2022, Ms. Hansen answered the Original Complaint and served discovery requests on the Hardnetts.

The Hardnetts filed two unsuccessful motions to stay on December 30, 2022, and January 16, 2023, respectively. The Hardnetts then filed an amended complaint ("Amended Complaint") on January 24, 2023. After the Hardnetts' two motions to stay were denied, Ms. Hansen filed a motion to compel discovery responses. The Hardnetts did not respond, and the court granted the motion to compel on May 3, 2023, giving the Hardnetts until May 13, 2023, to respond to Ms. Hansen's discovery requests.

Following receipt of incomplete discovery responses, on May 18, 2023, Ms. Hansen filed a motion for sanctions against the Hardnetts. Ms. Hansen stated in the motion that the Hardnetts did not provide any of the requested documentation concerning medical costs or other relevant damages. The Hardnetts opposed the sanctions motion on May 24, 2023. On June 21, 2023, the Hardnetts filed a motion to "Stay/Continue/Postpone th[e] matter" until "late September 2023 – early October." The next day, a court administrator emailed Ms. Hardnett to confirm that trial was scheduled to begin on November 28, 2023. Ms. Hardnett confirmed the same day, replying, "Yes, those dates [are] good."

On June 28, 2023, the court issued a scheduling notice for a July 26, 2023 hearing on Ms. Hansen's motion for sanctions. One week later, on July 5, 2023, the court granted the Hardnetts' motion to "Stay/Continue/Postpone[,]" stating:

> Upon consideration of [the Hardnetts'] Motion and for good cause shown it is this 5th day of July 2023,
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> ORDERED, that [the Hardnetts'] motion is GRANTED; and it is further
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> ORDERED, that no later than Wednesday, July 12, 2023, [Ms. Hardnett] shall initiate a call among all counsel and the Office of Calendar Management to schedule a new trial date; and it is further
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> ORDERED, that there shall[] be NO FURTHER CONTINUANCES in this matter.

Ms. Hardnett did not comply with the order to "initiate a call among all counsel and the Office of Calendar Management" by July 12, 2023. The hearing on Ms. Hansen's motion for sanctions proceeded as scheduled on July 26, 2023, at which the court granted sanctions barring the Hardnetts from any presenting evidence in support of their claims at trial. No transcript of this hearing was provided in the record before this Court.

On October 10, 2023, the Hardnetts filed an emergency request for a hearing. The Hardnetts argued that the July 26, 2023 sanctions hearing was "unconscionable" and "unjustly denied" them "of the opportunity to present any evidence on damages." After Ms. Hansen opposed, the Hardnetts filed a reply, attaching emails with the court administrator and a medical letter explaining that Ms. Hardnett was "unable to work or accept new clients due to [the] frequency of medical appointments, side effects[], and [] the nature of her disease." The court held a hearing regarding the emergency motion on November 22, 2023. No transcript of this hearing was provided in the record before this Court.

The case proceeded to trial on November 28, 2023. At the outset, Ms. Hardnett asked the court to reconsider the July 26, 2023 order imposing sanctions. Ms. Hansen's counsel responded, explaining that:

> The reason we're here for trial today was because [Ms. Hardnett] indicated that she was available, in sickness or otherwise, for trial today . . . . [T]he sanctions order that [the court] entered was four months ago. Nothing has been done to correct that. Nothing has been done to challenge that.
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> [The court is] correct that [the motions judge] in July [2023] said the case could be continued. This was the date that everybody said they were available. We're here today, and what remains in effect is a sanctions order that evidence can't be produced[. . . .] I'm prepared to make a motion for judgment to be entered in favor of the Defense because there's no evidence that can be presented.

The court then addressed the Hardnetts:

> This is the trial date, and there are no further postponements per [the July 26, 2023 sanctions] order. And I agree with you both that there really isn't anything to do. The only options we have are you can withdraw your lawsuit or dismiss it, or you can go forward. If you want to convert it to a bench trial, then convert it to a bench trial at your suggestion, and we'll go from there.

The Hardnetts requested a bench trial. Ms. Hansen's counsel then moved for the court to enter judgment on behalf of the defense, and the court gave an oral ruling:

> [G]iven the posture of this case and given the [c]ourt's view that [the Hardnetts] failed to appropriately prosecute it, [Ms. Hardnett] representing herself and being a lawyer, knowing the Maryland rules, knowing the orders that came out, I guess from the arguments we've had here there was some [] misinterpretation of the orders, this [c]ourt finds that [Ms. Hardnett] has just really failed to do her due diligence in

> prosecuting this case which is prejudicial to [Ms. Hansen].
>
> This case was filed September 30th of 2022. It's now over a year old. This incident occurred on or about October 1st, 2019. Counsel stated that the reason that she had to file this lawsuit was because she was running up against the statute of limitations. So she filed a lawsuit which she has every right to do. But since that time, and the [c]ourt is mindful that she was ill, [] the [c]ourt ruled regarding her motions to continue, to stay . . . . [T]wo were denied. One was finally granted which [Ms. Hardnett] agreed upon . . . .
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> And between that time when [] this case started or even when the [c]ourt granted [Ms. Hansen's] motion for sanctions, to the [c]ourt's knowledge there's been no revision of the interrogatories. I think [Ms. Hardnett] provided interrogatories if my memory is served, but they were unsigned and not complete. There was no request for production of documents.[4] And in this complaint [the Hardnetts were] claiming [] $250,000 in damages for this auto accident which is not a small sum.
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> Yet [Ms. Hansen] on the other side, who by the [c]ourt's observation did [her] due diligence in prosecuting this case, and the [c]ourt found that there was good cause to grant [the] motion for sanctions based upon looking at the totality of the circumstances. I know this is generally an unusual and not [] favored result. However, I think [] this is somewhat exacerbated by the fact that [Ms. Hardnett] is an attorney and knows the Maryland [R]ules and is representing herself. So for those reasons, [] the Court is going to grant the [Ms. Hansen's] motion for judgment in favor of the [defense] in this case.

The Hardnetts timely appealed. We supplement with additional facts below as necessary.

[4] We understand the circuit court to mean that there was no production of documents by the Hardnetts.

STANDARD OF REVIEW

"The granting or denial of a continuance or postponement is within the sound discretion of the trial court." *Touzeau v. Deffinbaugh*, 394 Md. 654, 677 (2006) (quoting *Fontana v. Walker*, 249 Md. 459, 463 (1968)). "Absent an abuse of that discretion we historically have not disturbed the decision to deny a motion for continuance." *Id.* at 669. "We have defined abuse of discretion as 'discretion manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons.'" *Id.* (quoting *Jenkins v. City of College Park*, 379 Md. 142, 165 (2003)).

Additionally, trial courts are "entrusted with a large measure of discretion in applying sanctions for failure to comply with the rules relating to discovery." *Asmussen v. CSX Transp., Inc.*, 247 Md. App. 529, 549-50 (2020) (internal marks and citation omitted). We review a trial court's decision to apply sanctions for abuse of discretion and will not reverse the decision unless it is "well removed from any center mark imagined by [us] and beyond the fringe of what [we] deem[] minimally acceptable." *Valentine-Bowers v. Retina Grp. of Washington, P.C.*, 217 Md. App. 366, 378 (2014) (internal marks and citations omitted).

DISCUSSION

I. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN DENYING THE HARDNETTS' FIRST TWO MOTIONS TO STAY.

The Hardnetts argue that the circuit court abused its discretion by denying the first two motions to stay. Specifically, they contend that the circuit court "decided to favor form over substance by not recognizing and interpreting those motions as requesting a

postponement pursuant to [Maryland] Rule 2-508[.]"[5] Ms. Hansen argues that the first two motions to stay were filed in the "infancy of the litigation[,]" and that in any event, the trial began after the time periods Ms. Hardnett indicated in the motions that she would be unavailable.

"A motion or response that is based on facts not contained in the record shall be supported by an affidavit and accompanied by any papers on which it is based." Md. Rule 2-311(d). Here, the Hardnetts' first two motions for stays were "based on facts not contained in the record[,]" namely, that Ms. Hardnett "must have critical surgery" and, that while recovering, she would be unable to participate in the case. Md. Rule 2-311(d). The Hardnetts did not file an affidavit or papers in support of either motion as required by Rule 2-311(d). We conclude that, because the Hardnetts did not provide the circuit court with an adequate factual basis upon which it could grant the first two motions to stay, the court did not abuse its discretion in denying them.

[5] The Hardnetts also maintain that the circuit court was required to provide an explanation of its denials. In support, they cite to *Neustadter v. Holy Cross Hosp. of Silver Spring, Inc.*, 418 Md. 231, 274 (2011) (J. Harrell, concurring), which states:

> Although [appellate courts] are reticent (because of the highly deferential nature of the [abuse of discretion] standard) to find an abuse of discretion in a trial court's denial for a request for a postponement or continuance, I would hold here that a trial court is required to make an on-the-record explanation of the reasons supporting a decision to deny.

The above quote is not the Supreme Court's holding in *Neustadter* and, therefore, does not support that trial courts are required by law to provide an on-the-record explanation of reasons for denying motions for postponements or continuances. As this Court does not seek out law or facts in favor of either party, *Rollins v. Capital Plaza Assoc., L.P.*, 181 Md. App. 188, 201-02 (2008) (citing Md. Rules 8-504(a)(4)–(5)), we exercise our discretion and decline to address this argument.

II. WHETHER THE CIRCUIT COURT ABUSED ITS DISCRETION IN GRANTING THE MOTION TO COMPEL IS NOT PROPERLY BEFORE THIS COURT.

The Hardnetts additionally argue that the circuit court erred in granting the motion to compel discovery responses because the Hardnetts were served with neither the motion to compel nor the order granting the motion until after the ten-day period to respond lapsed. The Hardnetts claim before us that "delivery of outgoing e-mails from MDEC to [Ms. Hardnett]" was "suppress[ed]" and that, therefore, the circuit court "failed to follow" the "Maryland Rules[.]" In response, Ms. Hansen argues that this issue is unpreserved because the Hardnetts did not raise it before the circuit court in their opposition to the sanctions, at the November 22, 2023 emergency hearing, or at trial.

"[A]n appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]" Md. Rule 8-131(a). The Hardnetts do not specify when this particular service issue was brought before the circuit court, and our independent review of the record before us uncovered no indication that the issue is preserved. We, therefore, decline to reach this argument.

III. THE RECORD BEFORE US IS INADEQUATE TO DETERMINE WHETHER THE CIRCUIT COURT ABUSED ITS DISCRETION IN IMPOSING DISCOVERY SANCTIONS.

The Hardnetts further argue that the circuit court abused its discretion in granting discovery sanctions for failing to comply with the motion to compel discovery. The Hardnetts assert that the sanctions, which prevented them from presenting evidence or materials at trial, were disproportionate to the "technical, rather than substantial" violation of the motion to compel. The Hardnetts also argue that the sanctions were

erroneously imposed during "a period of postponement[,]" which the court addressed at the November 22, 2023 emergency hearing. In response, Ms. Hansen contends that because the Hardnetts "had almost a full year to produce discovery materials . . . [and still] ignored the trial court's order to" compel, the sanctions were proportionate.

Maryland Rule 8-411(a)(2)(A) requires that appellants request transcripts of "any portion of any proceeding relevant to the appeal that was recorded [] and contains the ruling or reasoning of the court or tribunal[.]" *See also* Md. Rule 8-413(a)(2) (requiring appellants to include in the record on appeal all transcripts required under Rule 8-411). This Court may dismiss any appeal or issue within an appeal when "the contents of the record do not comply with Rule 8-413." Md. Rule 8-602(c)(4). It is an appellant's burden "to put before [the appellate court] every part of the proceedings below which were material to a decision[,]" *Lynch v. R. E. Tull & Sons, Inc.*, 251 Md. 260, 262 (1968), and "failure to provide the court with a transcript warrants summary rejection of the claim of error." *Kovacs v. Kovacs*, 98 Md. App. 289, 303 (1993).

The Hardnetts have not provided this Court with the transcripts from either the hearing on the motion for sanctions or the pre-trial emergency hearing. These hearings contain the reasoning of the circuit court that the Hardnetts now challenge. *See* Md. Rules 8-411(a)(2)(A), 8-413(a)(2). Thus, because the Hardnetts have not provided us with "every part of the proceedings below which were material" to the court's decision to impose sanctions, we cannot evaluate whether the circuit court abused its discretion in this regard. *Lynch*, 251 Md. at 262. We, accordingly, reject this argument. Md. Rule 602(c)(4); *Kovacs*, 98 Md. App. at 303.

CONCLUSION

We hold that the circuit court did not abuse its discretion in denying the Hardnetts' first two motions to stay. We further hold that whether the court abused its discretion in granting the motion to compel is not preserved. Finally, we hold that the record is inadequate to review whether the court abused its discretion in imposing sanctions because the Hardnetts did not provide this Court with the material transcripts. For these reasons, we affirm.

ORDERS OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANTS.