

Circuit Court for Prince George's County  
Case No.: CAL21-03410

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2181

September Term, 2022

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JOUHAD DAGHER

v.

HERNANDEZ MORENO, *et al.*

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Graeff,  
Berger,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 1, 2023

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

Jouhad Dagher, appellant, sued Hernandez Moreno and Diamond Carpet Installer, Inc., appellees, in the Circuit Court for Prince George’s County, alleging negligence regarding an automobile accident. In July 2022, Dagher’s Counsel moved to withdraw his appearance, certifying that, five days prior to filing the motion, he notified Dagher of his intention to do so. On November 3, 2022—still more than a month before the scheduled trial date—the court granted Dagher’s Counsel’s motion and advised Dagher to retain new counsel. The court’s notice cautioned Dagher that his “lack of counsel [would] not be grounds for postponing any further proceedings concerning the case.”

Despite the court’s warning, five days before trial, Daugher filed a motion requesting a continuance on the ground that he had not found new representation. The court denied the motion. On the day of trial, the court was notified that Dagher had been admitted to the hospital. The court believed, however, that Dagher “was feigning some illness to avoid having to appear in court and called the case.” Moreno and Diamond Carpet Installer moved to dismiss in open court, and the court granted the motion. Two days later, Dagher filed a “Motion for Continuance/Postponement,” attaching a copy of his discharge instructions from the hospital. In a written order denying the motion, the court stated that the “motion and accompanying exhibits ha[d] not changed [its] belief.” This appeal followed.

Whether to grant a motion for continuance “is in the sound discretion of the trial court.” *Serio v. Baystate Properties, LLC*, 209 Md. App. 545, 554 (2013) (cleaned up). Put simply, “an abuse of discretion exists where no reasonable person would take the view adopted by the [trial] court, or when the court acts without reference to any guiding rules

or principles.” *In re Andre J.*, 223 Md. App. 305, 323 (2015) (cleaned up). We will reverse a court’s exercise of that discretion only if the court’s decision is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Id.* (cleaned up).

Here, the court exercised its discretion in assessing whether to grant a continuance. The court considered Dagher’s hospitalization against the backdrop of his recently denied continuance request on the ground of lack of counsel—something the court had specifically said would not warrant a continuance. It then weighed the discharge instructions Dagher supplied, which indicate he was admitted at an unspecified time on the day of trial for unspecified “chest pain” and discharged at an unspecified time the next day, before concluding that Dagher had feigned an illness to avoid appearing in court. We cannot say that the court’s decision was so far “beyond the fringe” of what we would deem minimally acceptable as to be an abuse of discretion.

**JUDGMENT OF THE CIRCUIT  
COURT FOR PRINCE GEORGE’S  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**