

Circuit Court for Talbot County  
Case No. C-20-CV-17-000117

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2469

September Term, 2018

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BJORN EGELI

v.

PETER LUBIN

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Graeff,  
Arthur,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 4, 2020

\*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.

In this appeal from a civil action tried by a jury in the Circuit Court for Talbot County, Bjorn Egeli, appellant, challenges the trial court's denial of a motion for directed verdict. For the reasons that follow, we shall affirm the judgment of the circuit court.

This case arises from a motor vehicle accident involving three vehicles: one driven by a woman named Shirazi, one driven by Mr. Egeli, and one driven by Peter Lubin, appellee. At trial, Mr. Egeli testified that he was following Ms. Shirazi when she suddenly bumped a curb and stopped. Mr. Egeli stopped "8 to 12 feet behind" Ms. Shirazi, but was struck by Mr. Lubin's vehicle, which "propelled [Mr. Egeli] into the . . . rear of" Ms. Shirazi's vehicle. Mr. Lubin subsequently testified that after Ms. Shirazi "came to an abrupt stop," Mr. Egeli's vehicle struck Ms. Shirazi's vehicle, and Mr. Lubin's vehicle then struck Mr. Egeli's vehicle. Mr. Lubin also presented testimony from an expert in the field of accident reconstruction that, in his opinion, Mr. Egeli's vehicle initially struck Ms. Shirazi's vehicle, after which Mr. Egeli's vehicle was struck by Mr. Lubin's vehicle.

Following the close of the evidence, Mr. Egeli moved for a directed verdict on the ground that Mr. Lubin "admitted that he was on the road," "had a duty to be careful," and "admitted that he ran into" Mr. Egeli. The court denied the motion on the ground that there was "a dispute of fact as to how the motor vehicle accident occurred." The jury subsequently found in favor of Mr. Lubin.

Mr. Egeli contends that the court erred in denying the motion for directed verdict because, he claims, this Court concluded in *Andrade v. Housein*, 147 Md. App. 617 (2002), that "to collide in the rear end of another is by its nature[] a determination of negligence." But, Mr. Egeli misreads *Andrade*. It is true that we "conclude[d] that a true evidentiary

presumption of negligence arises where a motor vehicle is lawfully stopped on a highway awaiting for traffic to clear before entering an intersecting highway and that vehicle is suddenly struck from behind by another vehicle,” and “[f]rom that presumption, a trier of fact may reasonably infer negligence on the part of the driver of the following vehicle.” *Id.* at 623 (citation omitted). But, we explicitly stated that “[t]he presumption . . . is rebuttable,” and “the person against whom the presumption is directed assume[s] the burden of” presenting “reasons . . . contradicting the primary fact, the violation of the rules of the road, or the presumption[.]” *Id.*

Here, Mr. Lubin presented lay and expert testimony contradicting Mr. Egeli’s testimony, and supporting a conclusion that the collision between Mr. Egeli and Mr. Lubin’s vehicles was caused not by the negligence of Mr. Lubin, but of Ms. Shirazi, Mr. Egeli, or both. This testimony was sufficient to rebut the presumption that Mr. Lubin was negligent, and hence, the court did not err in denying Mr. Egeli’s motion for directed verdict.<sup>1</sup>

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

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<sup>1</sup>In his brief, Mr. Egeli attempts to distinguish our unreported opinion in *Grant v. Newman*, No. 1203, September Term, 2016 (filed September 26, 2017). We remind Mr. Egeli that “[a]n unreported opinion of the Court of Appeals or Court of Special Appeals is neither precedent within the rule of stare decisis nor persuasive authority.” Rule 1-104(a).