Amicus Curiarum

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SUPREME COURT OF MARYLAND

Motor Vehicle Administration v. Rahq Deika Montana Usan, No. 6, September Term 2023, filed January 25, 2024. Opinion by Hotten, J.

Biran, J., concurs.

https://mdcourts.gov/data/opinions/coa/2024/6a23.pdf

MARYLAND TRANSPORTATION ARTICLE – DRIVER'S LICENSES – TEST REFUSAL

Facts:

On December 17, 2021 at 12:06 a.m., State Trooper First Class Jonathan Greathouse ("Trooper Greathouse") "observed a [r]ed Jeep . . . driving in an erratic manner" in Mechanicsville, St. Mary's County, Maryland. Trooper Greathouse made a traffic stop and identified Respondent, Rahq Deika Montana Usan ("Mr. Usan") as the driver. Trooper Greathouse "observed [that Mr.] Usan was very disoriented[,] had glassy red eyes[, and] his movement was slow and sluggish." "[A]t no point did [Trooper Greathouse] detect the odor of an alcoholic beverage."

Trooper Greathouse asked Mr. Usan to submit to three Standardized Field Sobriety Tests ("SFSTs") and a preliminary breath test ("PBT"). Mr. Usan failed the SFSTs but blew "0.00" breath alcohol content on the PBT. He was then "arrested for driving under the influence of drugs" due to his driving, condition, failed SFSTs, and PBT result.

Trooper Greathouse subsequently requested Mr. Usan submit to certified alcohol testing. After listening to a recording and being provided a DR 15, Advice of Rights form, Mr. Usan refused alcohol testing verbally and via signing the form. Thereafter, Trooper Greathouse suspended Mr. Usan's license pursuant to Maryland's implied consent law, Maryland Code Ann., Transportation Article ("Transp.") § 16-205.1.

On April 8, 2022, Mr. Usan appeared before an administrative law judge ("ALJ") to contest his license suspension. Mr. Usan testified that he drove under the speed limit and crossed over the solid white lines because he was tired and denied being under the influence of drugs or alcohol. Mr. Usan argued there was no reason to request alcohol testing, absent evidence of alcohol. The ALJ disagreed because Trooper Greathouse "supported his belief [that Mr. Usan] was under the influence of something with specific observations[,]" and concluded that Trooper Greathouse's observations and suspicions provided reasonable grounds to request further testing. The ALJ

determined that Transp. § 16-205.1 provides law enforcement access to "both tests if an officer has an objectively reasonable belief the driver is under the influence or impaired by something, whether it be alcohol or drugs." The ALJ concluded that Mr. Usan violated Transp. § 16-205.1 by refusing to submit to the requested alcohol test and affirmed his license suspension.

Mr. Usan petitioned for review in the Circuit Court for Charles County. The circuit court reversed the ALJ, speculating on the reasons for Mr. Usan's condition and PBT results, before concluding it did not "believe . . . that the decision was sustained by the evidence[.]"

Held: Reversed.

The Supreme Court reversed the circuit court, concluding that the ALJ had substantial evidence of Trooper Greathouse's reasonable suspicion that Mr. Usan was driving under the influence of alcohol, drugs, or both. Despite a lack of detection of alcohol on Mr. Usan's breath and the PBT result, there was Trooper Greathouse's credible observations of Mr. Usan's driving, conditions, and failed SFSTs. The Trooper's observations were further supported by dashcam footage documenting Mr. Usan's failed SFSTs. "A reviewing court should defer to an [ALJ's] fact-finding and drawing of inferences if they are supported by the record." *Motor Vehicle Admin. v. Carpenter*, 424 Md. 401, 412–13, 36 A.3d 439, 446 (2012) (cleaned up). Here, the ALJ's decision was based upon substantial evidence and, when examining the totality of the record, a "reasoning mind reasonably could conclude" as the ALJ did: that Mr. Usan was driving under the influence or impairment of alcohol, drugs, or both. *Id.* at 412, 36 A.3d at 446 (cleaned up).

The Supreme Court held that law enforcement with reasonable suspicion of a driver under the influence or impairment of alcohol, drugs, or both, may request alcohol testing, drug testing, or both testing options pursuant to Transp. § 16-205.1(a). The plain language of Transp. § 16-205.1(a)(2) provides that drivers have impliedly consented to take a "test" if reasonably suspected of driving under any of the various options of prohibited influence or impairment. Consistent with the Court's holding in *Motor Vehicle Admin. v. Gonce*, 446 Md. 100, 113, 130 A.3d 436, 444 (2016), the Court confirmed that "the word 'test' does not mean only one test[,]" and Transp. § 16-205.1(a)(1)(iii) provides law enforcement with the option of seeking a test for alcohol, a test or tests for drugs, or both testing options.

The Court explained that the option of "both" does not combine the separate alcohol and drug testing procedures into a singular test with two components when arrested on a reasonable suspicion of driving only under the influence or impairment of drugs. Although law enforcement procedure may require an alcohol test prior to drug testing, that *procedure* does not determine the *statutory* meaning of Transp. § 16-205.1. Here, a person reasonably suspected of driving under only the influence or impairment of drugs had impliedly consented to testing for alcohol, drugs, or both.

The Supreme Court held that the ALJ had substantial evidence to conclude Mr. Usan refused alcohol testing that law enforcement was authorized to request, and that the ALJ's 270-day

suspension of Mr. Usan's license pursuant to Transp. § 16-205.1(b)(1)(i)(5) bore no error of law. In affirming the ALJ's findings of fact and conclusions of law, the Supreme Court reversed the circuit court.

APPELLATE COURT OF MARYLAND

Timothy Ingram, et al. v. Cantwell-Cleary Co., Inc., No. 421, September Term 2022, filed December 22, 2023, Opinion by Leahy, J.

https://www.mdcourts.gov/data/opinions/cosa/2023/0421s22.pdf

ANTITRUST AND TRADE REGULATION – TRADE SECRETS AND PROPRIETARY INFORMATION – IN GENERAL – STATUTORY PROVISIONS

ANTITRUST AND TRADE REGULATION – TRADE SECRETS AND PROPRIETARY INFORMATION – IN GENERAL – CUSTOMER LISTS, VENDOR, AND PRICING INFORMATION

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ANTITRUST AND TRADE REGULATION – TRADE SECRETS AND PROPRIETARY INFORMATION – ACTIONS – RELIEF – DAMAGES

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ANTITRUST AND TRADE REGULATION – TRADE SECRETS AND PROPRIETARY INFORMATION – ACTIONS – COSTS AND ATTORNEY FEES

Facts:

A group of key employees of Cantwell-Cleary Co., Inc. ("Appellee") abandoned their jobs to take positions with a rival company formed weeks earlier by Appellee's erstwhile President, Vince Cleary Jr. Leading the way was Kevin Barstow, who, together with Timothy Ingram ("Appellants"), brought many of their former clients to the rival company, and sold those clients

the same products that they previously purchased from Appellee. Suddenly, Appellee experienced a sharp decline in revenue.

Appellee brought suit in the Circuit Court of Anne Arundel County against Appellants and a third party. Following a bench trial, the court awarded injunctive relief against Appellants on Appellee's breach of contract claims based on their violation of Appellee's standard "Duty of Confidentiality and Covenant Not to Compete" agreement ("Non-Compete"), and found that Appellants were liable for misappropriation of trade secrets in violation of the Maryland Uniform Trade Secrets Act ("MUTSA"), codified at Maryland Code (1975, 2013 Repl. Vol.), Commercial Law Article ("CL"), sections 11-201 to 1209. In addition, the judge found Ingram was liable for breach of fiduciary duty and civil conspiracy. For the misappropriation of Appellee's trade secrets, the court entered judgment against Barstow and Ingram in the amount of $780,757.32 and $867,335.44, respectively.

Following trial, the circuit court denied Appellee's petition for attorneys' fees after finding no malice by Appellants. In a subsequent order (the "Clarification Order"), however, the court clarified that while Appellants had engaged in malicious conduct that caused a deliberate and intentional injury to Appellee in violation of MUTSA, that malicious conduct did not apply to Appellee's request for attorneys' fees.

Appellants noted a timely appeal to the Appellate Court of Maryland and contended that the circuit court erred by: first, not enforcing the liquidated damages provision of the Non-Compete; second, concluding that customer lists and pricing information constituted trade secrets under MUTSA; and third, awarding damages under MUTSA that were based upon a speculative methodology for approximating Appellee's lost profits. Fourth, Appellants asserted the trial judge abused his discretion by clarifying his factual findings in support of his ruling denying Cantwell-Cleary's motion for attorneys' fees.

Held: Affirmed in part and vacated in part.

Case remanded for further proceedings consistent with the opinion.

First, the Appellate Court held that the liquidated damages provisions contained within Appellants' Non-Compete agreements did not foreclose Appellee's ability to obtain damages for misappropriation of trade secrets under MUTSA. CL § 11-1207(b)(1)(i). By its own terms, the liquidated damages provision did not preclude Appellee from pursuing "other rights it may have against [Appellants] for[] a breach." Because Appellee sought only injunctive relief for breaches of its contracts, as it was expressly permitted to do under the Non-Competes, the trial court did not err in distinguishing between the available remedies under these independent causes of action.

Second, the Appellate Court held that the trial court did not err in determining that Appellee's confidential customer lists, vendor pricing, profit margins, and "pricing to customers" constituted

trade secrets under MUTSA. The information derived independent economic value after having been developed by the company over time, and because it was not generally known to competitors in a highly competitive industry. Furthermore, Appellee took reasonable steps under the circumstances to maintain the secrecy of its internal customer and pricing information. Finally, sufficient direct and circumstantial evidence that Appellants actually misappropriated Appellee's trade secrets arose from evidence that Ingram copied down some of the trade secrets and took them to the rival company; that Appellants had access to Appellee's secure internal database for many years; that Appellants had a duty to maintain the secrecy of the trade secrets; that Appellants had access to trade secrets taken by others from Appellee to the rival company; and that Appellants were extremely successful in competing for and selling products to former customers at nearly identical prices.

Third, the Appellate Court held that the circuit court erred in awarding lost profits damages against Appellants based on Appellee's expert's damage calculations because: (1) the expert used Appellee's past gross sales as the base measure to project subsequent lost profits without any rationale as to why it was not more appropriate or feasible to use Appellants' actual gross sales to customers who followed them to the rival company; (2) the expert's damages calculations swept in losses from customers who did not follow Appellants to the rival company without demonstrating those losses were caused by the misappropriation of Appellee's trade secrets; and (3) the court employed a damages period of three years without an explanation as to how Appellants continued to derive an economic advantage from potentially stale information for that entire period. Accordingly, the Court vacated the damages portion of the circuit court's judgment and ordered that, on remand, the court re-calculate Appellee's damages.

Fourth, the Appellate Court held that the trial judge abused his discretion in deciding, without explanation, that Appellants engaged in conduct that amounted to malice in regard to their misappropriation of trade secrets, but not for purposes of awarding attorneys' fees under MUTSA, where the conduct underlying the primary judgment for misappropriation of trade secrets appeared to be the same conduct underlying the request for attorneys' fees. Accordingly, the Court vacated the circuit court's Clarification Order and ordered a limited remand for the court to address the ground for any finding of willful and malicious misappropriation under CL § 11-1204.

In all other respects, the Appellate Court affirmed the judgment of the circuit court.

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In re: Interstate Subpoena for Jamie Leigh Thompson, No. 1545, September Term 2023, filed January 31, 2024. Opinion by Arthur, J.

https://mdcourts.gov/data/opinions/cosa/2024/1545s23.pdf

UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS – ENFORCEABILITY OF SUBPOENA ON OUT-OF-STATE WITNESS

Facts:

While living in Dallas, Texas, Jamie Leigh Thompson was employed as a contributing writer for *D Magazine*, a monthly publication. In 2016, Thompson began reporting on the criminal investigation of the murder of Ira Tobolowsky. Thompson conducted research and interviews, which included an email conversation with Steven Aubrey, a suspect in the murder of Tobolowsky. Thompson's article covering the murder was published in *D Magazine* on May 1, 2017. Subsequently, Thompson moved to Maryland.

In 2022, the State of Texas initiated a prosecution against Steven Aubrey for the murder of Ira Tobolowsky. An Assistant District Attorney for Dallas County, Texas, asked Thompson to testify in the trial against Aubrey. Thompson declined to testify.

Texas invoked the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings to obtain an order from a Maryland court, compelling Thompson to testify. Texas obtained a certificate from a Texas judge which certified that Thompson was a material and necessary witness in the prosecution. Texas provided the certificate to the State's Attorney for Montgomery County, who filed a petition with the Circuit Court for Montgomery County on behalf of Texas. In accordance with the Uniform Act, the petition requested an order from the circuit court directing Thompson to appear and testify at Aubrey's trial in Texas.

Thompson opposed the petition. Thompson argued that, before compelling her to appear and testify in Texas, the circuit court should determine whether she had a privilege not to testify under the Maryland or Texas press shield law. Following this Court's decision in *In re State of California for the County of Los Angeles, Grand Jury Investigation*, 57 Md. App. 804 (1984) ("*L.A. Grand Jury*"), the circuit court ruled that Thompson must present her privilege claims to the Texas court. Accordingly, the court issued an order compelling Thompson to appear and testify at the trial against Aubrey in Texas.

Thompson appealed the circuit court's order, arguing that the court erred in failing to apply the Maryland or Texas press shield laws, which protect news reporters from compelled disclosure of their notes and sources.

Held: Affirmed.

The Appellate Court of Maryland held that the circuit court did not err in compelling the witness's appearance and testimony and directing her to raise privilege issues in Texas.

Generally, under the Uniform Act, issues of privilege should be decided in the state in which the criminal proceeding is pending. This Court previously reached a conclusion that comports with this general rule, in *L.A. Grand Jury*, where the Court considered whether a Maryland journalist called to testify out of state about his out-of-state reporting could enjoy protection under the Maryland press shield law. In *L.A. Grand Jury*, the Court held that application of the Maryland press shield law extended only so far as to protect a reporter who conducted news reporting in Maryland and that the law did not protect out-of-state reporters who conduct out-of-state reporting and subsequently come to Maryland. Consistent with this precedent, the Court concluded that Thompson could not rely on the Maryland press law because all of her reporting took place out of state, in Texas, before she moved to Maryland.

The Court distinguished two out-of-state cases that departed from the general rule: *Holmes v. Winter*, 22 N.Y.2d 300, 3 N.E.3d 694, 980 N.Y.S.2d (2013); and *In the Matter of a Motion to Compel*, 492 Mass. 811, 216 N.E.3d 1206 (2023). In both of those cases, the witnesses had relied on a privilege created by the laws of their home state; and in both cases, the home-state privilege was considerably more expansive than any privilege in the state that sought their testimony. In this case, by contrast, Thompson had not relied on Maryland's press shield law when she was living and working in Texas and investigating and writing an article for a Texas-based publication about a murder that occurred in Texas. Moreover, in both Maryland and Texas, a journalist's right to refuse to disclose work product is afforded only a qualified privilege.

The Court also noted that because of the nature of the testimony sought, a court will have to decide the issue of privilege on a question-by-question basis, looking at each communication that Aubrey and Thompson shared. It would be inefficient for Maryland to conduct a mini-trial on the issue of privilege only to have a Texas court decide the issue again, if Thompson would be compelled to testify in Texas.

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Jeffrey Beahm v. Erie Insurance Exchange, No. 1832, September Term 2022, filed January 30, 2024. Opinion by Harrell, J.

https://mdcourts.gov/data/opinions/cosa/2024/1832s22.pdf

INSURANCE COVERAGE – UNDERINSURED MOTORIST COVERAGE – COMMERCIAL AUTOMOBILE POLICY – NEGLIGENT MISREPRESENTATION BY INDEPENDENT INSURANCE AGENT

Facts:

Beahm began his business as the sole owner of an information technology consulting firm. In 2000, he changed his business organization from a sole proprietorship to a corporation and changed the name of his company to Starboard Business Technologies, Inc. ("Starboard"). He consulted with Nancy Eichhorn of the Eichhorn Insurance Agency, with whom he had done business previously, to make changes to his existing insurance policies, including his automobile liability policy. Ultimately, Erie Insurance Exchange ("Erie") issued a commercial automobile insurance policy to Starboard. In August 2020, Beahm suffered serious injuries when he, as a pedestrian, was struck outside his home by a vehicle owned and operated by Zacharia Smith as the latter left a party for Beahm's wife. Because the limits of Smith's automobile liability insurance policy were not sufficient to cover his damages, Beahm filed a claim for underinsured motorist ("UM") coverage benefits with Erie. The insurance company denied Beahm's claim on the ground that he did not qualify for UM coverage under the terms of the commercial automobile insurance policy issued to Starboard.

Beahm filed a complaint in the Circuit Court for Anne Arundel County asserting a claim of negligence against Smith and claims for breach of contract and negligent misrepresentation against Erie. He contended that he, as the Subscriber, was entitled to UM coverage under the policy issued to Starboard. He maintained also that Ms. Eichhorn represented to him that there would be no change in his prior individual policy coverages when he changed from a personal to a commercial automobile liability policy. The claim against Smith was dismissed voluntarily. A jury trial was held on the remaining counts against Erie. At the close of Beahm's case, the trial court granted judgment in favor of Erie on both counts. As to the breach of contract claim, the court found that the insurance policy was issued to Beahm's company and not to him individually, even though Beahm signed the Starboard policy as the corporation's representative, *i.e.*, the Subscriber. It determined that there was not sufficient evidence that Beahm was covered under the policy to generate a question of fact for the jury. As for the claim of negligent misrepresentation, the court found that Beahm had failed to produce evidence of a duty of care and a breach of that duty.

Held: Affirmed.

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The Appellate Court of Maryland affirmed the judgment of the Circuit Court for Anne Arundel County. The Court rejected Beahm's argument that he qualified as an insured under the policy because he was Subscriber and the sole owner and employee of Starboard. That argument disregarded the corporate form of Beahm's business and the fact that only the corporation, and not Beahm individually, owned the vehicles identified in the policy, was named as an insured, and was entitled to coverage under the policy. Nor was Beahm covered under other provisions of the policy. The Court rejected also Beahm's argument that § 19-509 of the Insurance Article of the Maryland Code required Erie to provide him with UM benefits. The Court determined that the statute required UM coverage for persons insured under the policy, but not for third parties like Beahm. Lastly, the Court rejected Beahm's argument that by imputing Eichhorn's statements to the insurer, Erie, he provided sufficient evidence that Erie made a negligent misrepresentation to him about the UM coverage offered under the commercial automobile insurance policy. Beahm failed to establish that Erie had any ownership or control over Eichhorn or the Eichhorn Insurance Agency or that statements made by Eichhorn could be attributed to Erie.

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In the Matter of Maryland Office of People's Counsel, et al., No. 2033, September Term 2022, filed December 20, 2023. Opinion by Graeff, J.

Getty, J., dissents.

https://mdcourts.gov/data/opinions/cosa/2023/2033s22.pdf

REGULATION OF PUBLIC UTILTIES – PUBLIC INTEREST – DISMISSAL OF COMPLAINT – *ACCARDI* DOCTRINE

Facts:

The Office of People's Counsel (the "OPC") filed a complaint with the Public Service Commission (the "Commission"), alleging that Washington Gas and WGL Energy violated the Public Utilities Article (the "PUA") and the Code of Maryland Regulations ("COMAR") by including marketing statements in certain customer bills that contained broad and misleading claims of environmental and economic benefits from natural gas use which could deceive customers.

The Commission dismissed the complaint, finding that it failed to adequately state a violation of state law or regulation, that Maryland has allowed self-certification of marketing claims, and that a complaint against one utility was an inappropriate forum to address broader issues related to natural gas and its role in greenhouse gas emissions. The Commission also held that WGL Energy was not a proper party to the complaint because Washington Gas issued the bills containing the marketing statements at issue.

The OPC and Sierra Club filed separate petitions for review in the Circuit Court for Montgomery County. The circuit court affirmed the Commission's decision and the OPC and Sierra Club appealed.

Held: Reversed and remanded.

The Commission does not have unfettered discretion to dismiss a complaint filed under the PUA. Rather, pursuant to COMAR 20.07.03.03A, the Commission may dismiss a complaint only where it finds that the complaint fails to state a claim upon which relief can be granted. The Commission may not dismiss a complaint because it has "no interest" in deciding the merits of a complaint or because it decides that the issue is not "worthy of [its] time or resources." Dismissal of a complaint on a ground other than failure to state a claim violates the *Accardi* doctrine, which provides that an agency of the government must observe its own rules, regulations, or procedures.

The Commission's dismissal of the complaint for failure to state a claim without addressing the PUA was erroneous and/or arbitrary and capricious. The Commission found that dismissal was warranted because the complaint was an inappropriate forum to address broader issues related to natural gas. The complaint, however, did not require the Commission to resolve far-reaching environmental policy issues. Rather, it asked the Commission to consider whether three specific statements violated the PUA because the unqualified claims were deceptive. The Commission was not authorized to dismiss the complaint on the grounds that it involved broad issues that may affect other natural gas companies because the Commission may only dismiss a complaint for failure to state a claim.

Dismissal of claims against WGL Energy for violations of the utility code of conduct based on improper affiliation was an abuse of discretion. The record demonstrates that there were still facts in dispute regarding the source of the marketing message, and therefore, dismissal was premature.

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Summer Ledford v. Jenway Contracting, Inc., No. 1755 September Term 2022, filed November 30, 2023. Opinion by Wright, J.

https://mdcourts.gov/data/opinions/cosa/2023/1755s22.pdf

WORKERS' COMPENSATION – EFFECT OF ACT ON OTHER STATUTORY OR COMMON-LAW RIGHTS OF ACTION AND DEFENSES – ACTION BY THIRD PERSON AGAINST EMPLOYER – ACTION FOR WRONGFUL ACT – IN GENERAL

Facts:

John Ledford died from injuries he sustained during the course of his employment with Jenway Contracting, LLC ("Jenway"). Summer Ledford, the decedent's non-dependent adult daughter, later filed a wrongful death action against Jenway pursuant to Maryland's Wrongful Death Act, Cts. & Jud. Proc. § 3-901 *et seq*., claiming that Jenway's negligence had caused her father's death. Jenway filed a motion to dismiss, arguing that, because Mr. Ledford's death occurred during the course of his employment, Ms. Ledford had no right of action under Maryland's Wrongful Death Act. Jenway claimed, rather, that all claims for relief had to be brought pursuant to Maryland's Workers' Compensation Act, as codified in Title 9 of the Labor and Employment Article of the Maryland Code.

Following a hearing, the circuit court granted Jenway's motion and dismissed Ms. Ledford's complaint with prejudice. The court found that Ms. Ledford's claim was barred by the Workers' Compensation Act.

On appeal, Ms. Ledford raised a single issue: whether her wrongful death claim was barred by Maryland's Workers' Compensation Act.

Held: Affirmed.

The Appellate Court of Maryland held that the circuit court did not err in dismissing Ms. Ledford's wrongful death action. The Court explained that, when an employee covered by the Workers' Compensation Act is injured or killed in the course of his or her employment, the employer's liability and any recovery resulting from that liability are exclusive to the Act, regardless of whether an otherwise proper wrongful death plaintiff is entitled to benefits under the Act.

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ATTORNEY DISCIPLINE

REINSTATEMENTS

By order of the Supreme Court of Maryland

CHARLES ALLAN FINEBLUM

has been replaced on the register of attorneys permitted to practice law in this state as of January 2, 2024.

*

By order of the Supreme Court of Maryland

KELLY GARNER KILROY

has been replaced on the register of attorneys permitted to practice law in this state as of January 19, 2024

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By order of the Supreme Court of Maryland

RICHARD LOUIS SLOANE

has been replaced on the register of attorneys permitted to practice law in this state as of January 19, 2024

*

DISBARMENTS/SUSPENSIONS

By an Order of the Supreme Court of Maryland dated January 19, 2024, the following attorney has been disbarred:

ANITHA WILEEN JOHNSON

*

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RESIGNATIONS

By its January 31, 2024 orders the Supreme Court of Maryland has accepted the resignation of the following attorneys from the practice of law in this state:

SCOTT GROVE PATTERSON
GAIL D. SAUSSER

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JUDICIAL APPOINTMENTS

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On November 21, 2023, the Governor announced the elevation of the **Honorable Cheri Nicole Simpkins** to the Circuit Court for Prince George's County. Judge Simpkins was sworn in on January 4, 2024, and fills the vacancy created by the retirement of the Hon. Sean D. Wallace.

*

On December 15, 2023, the Governor announced the appointment of **Magistrate Troy K. Hill** to the Circuit Court for Baltimore City. Judge Hill was sworn in on January 9, 2024, and fills the vacancy created by the retirement of the Hon. Charles J. Peters.

*

On December 15, 2023, the Governor announced the appointment of **Alan C. Lazerow** to the Circuit Court for Baltimore City. Judge Lazerow was sworn in on January 9, 2024, and fills the vacancy created by the retirement of the Hon. Emanuel Brown.

*

On January 12, 2024, the Governor announced the appointment of **Magistrate Joanmarie Raymond** to the Circuit Court for Frederick County. Judge Raymond was sworn in on January 17, 2024, and fills the vacancy created by the retirement of the Hon. Theresa M. Adams.

*

On January 12, 2024, the Governor announced the appointment of **Magistrate Julia Ann Minner** to the Circuit Court for Frederick County. Judge Minner was sworn in on January 19, 2024, and fills the vacancy created by the retirement of the Hon. Julie S. Solt.

*

On December 28, 2023, the Governor announced the appointment of **Marc A. DeSimone, Jr.** to the Circuit Court for Baltimore County. Judge DeSimone was sworn in on January 23, 2024, and fills the vacancy created by the retirement of the Hon. Ruth A. Jakubowski.

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On December 28, 2023, the Governor announced the appointment of **James L. Rhodes** to the Circuit Court for Baltimore County. Judge Rhodes was sworn in on January 26, 2024, and fills the vacancy created by the retirement of the Hon. Justin J. King.

*

On December 28, 2023, the Governor announced the appointment of **Patricia N. DeMaio** to the Circuit Court for Baltimore County. Judge DeMaio was sworn in on January 29, 2024, and fills the new judgeship created by the General Assembly.

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UNREPORTED OPINIONS

The full text of Appellate Court unreported opinions can be found online:

https://mdcourts.gov/appellate/unreportedopinions

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