

Circuit Court for Harford County
Case No. C-12-CV-22-000087

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 7

September Term, 2022

IN THE MATTER OF GARY PFEFFER, JR.

Kehoe,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 26, 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.

Gary Pfeffer, Jr., appellant, appeals from the dismissal, by the Circuit Court for Harford County, of his “Emergency Petition for Injunctive Relief or Any Other Remedy Available” (hereinafter “the petition”). For the reasons that follow, we shall affirm the judgment of the circuit court.

In the petition, Mr. Pfeffer contended that in October 2021, his employer “mandated all employees to ‘fully vaccinate’ [for COVID-19] by the date of December 8, 2021, and in the interim employees who are not fully vaccinated, or will not disclose, must comply with testing requirements per site directions or be subjected to adverse actions, up to and including dismissal.” Mr. Pfeffer subsequently submitted to his employer a form titled “Conditional Acceptance,” in which he requested that his employer submit to him various forms of “proof” supporting its mandate. Mr. Pfeffer contended that his employer “chose[] to remain silent,” and “suffered a default as a consequence.” Mr. Pfeffer apparently declined to be vaccinated, after which his employer placed him on unpaid leave and threatened to terminate his employment. Mr. Pfeffer requested that he be awarded a variety of injunctive and financial relief. The court subsequently dismissed the petition on the ground that “it fail[ed] to state a claim for which relief may be granted within the jurisdiction of the [c]ourt, *ex parte* or otherwise.”

Mr. Pfeffer contends that the court erred in dismissing the petition, because the court was required to hold a hearing on the petition, and his employer is “in default and by virtue of silent acquiescence . . . in agreement that the alleged violations were committed against” him. But, Mr. Pfeffer does not cite any authority that prohibits an employer from requiring that its employees either be vaccinated against COVID-19 or “comply with testing

requirements.” Mr. Pfeffer also does not cite any authority that supports his contention that his employer “defaulted” or somehow agreed to his allegations “by virtue of silent acquiescence.” Mr. Pfeffer failed to state a claim upon which the court could have granted relief, and hence, the court did not err in dismissing the petition.

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