

Circuit Court for St. Mary's County
Case No. C-18-FM-18-000320

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 24

September Term, 2024

JEREMY MICHAEL DEPASQUALE

v.

MEGHAN FITZGERALD

Berger,
Zic,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: June 3, 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 Rule 1-104(a)(2)(B).

This case arises from an order of the Circuit Court for St. Mary’s County quashing multiple subpoenas filed by Appellant, Jeremy DePasquale (“Mr. DePasquale”), to obtain the financial records of Appellee, Meghan Fitzgerald (“Ms. Fitzgerald”) for the purposes of modifying child support. The circuit court additionally awarded attorney’s fees to Ms. Fitzgerald. The present appeal by Mr. DePasquale followed.

QUESTIONS PRESENTED

Mr. DePasquale presents two questions for our review, which we have rephrased and recast as follows:¹

1. Whether the court erred in granting Ms. Fitzgerald’s motion to quash the subpoenas regarding information prior to June 27, 2022.
2. Whether the trial court erred when it awarded attorney’s fees to Ms. Fitzgerald.

For the following reasons, we affirm.

¹ Mr. DePasquale phrased the questions as follows:

1. Did the trial court err in quashing subpoenas seeking wife’s financial records, thereby interfering with father’s right to develop evidence of mother’s voluntary impoverishment and with the children’s right to have child support determined based on all available evidence?
2. Did the trial court abuse its discretion in awarding attorney fees to mother’s counsel in connection with mother’s motion to quash, mother’s motion to compel discovery and/or for sanctions, and father’s motion to modify child support?

BACKGROUND

The parties were married in 2016, and share five children, born in 2011, 2013, 2014, 2015, and 2017. On April 6, 2018, Mr. DePasquale filed a complaint for limited divorce, requesting sole legal and physical custody of the children. Ms. Fitzgerald filed an answer on August 1, 2018, noting that all five children had been in her custody after a Final Protective Order was entered against Mr. DePasquale on April 19, 2018. Ms. Fitzgerald also filed a counter-complaint for absolute divorce on August 1, 2018. In the counter-complaint, Ms. Fitzgerald alleged that she had acted as the primary caregiver and was unemployed throughout the marriage. On January 3, 2019, the court granted the parties a limited divorce, with Ms. Fitzgerald retaining sole legal and physical custody. Mr. DePasquale was not ordered to pay any child support because he was willingly providing support in the amount of \$7,000.00 per month, well in excess of the obligation pursuant to the Child Support Guidelines.

On March 1, 2019, Ms. Fitzgerald again filed for absolute divorce, and in the complaint, indicated that Mr. DePasquale had ceased his voluntary child support payments. Mr. DePasquale denied this claim, and on June 11, 2019, the parties were granted an absolute divorce. The court ordered that all issues of child custody and support would remain as ordered in the January order granting the parties a limited divorce. On April 21, 2020, Mr. DePasquale filed a petition for contempt, alleging that Ms. Fitzgerald was not providing “reasonable and liberal visitation” as required by the judgment of limited divorce and incorporated into the judgment of absolute divorce. On July 14, 2020, Ms. Fitzgerald filed a complaint for modification of child support, alleging that Mr. DePasquale had

stopped providing the voluntary support. Mr. DePasquale acknowledged that he was no longer providing support because he had already “provided a large amount of financial support for his children.”

After multiple delays, a hearing on Ms. Fitzgerald’s July 14, 2020 complaint to modify child support commenced on June 6, 2022. Numerous contempt and discovery-related motions were filed between July 14, 2020 and June 6, 2022. On May 6, 2022 -- one month before the scheduled child support modification hearing -- Mr. DePasquale served a subpoena on Ms. Fitzgerald to testify at the hearing and produce documents relating to 54 separate document requests. On June 1, 2022, Ms. Fitzgerald filed a motion to quash this subpoena, alleging that in the nearly two years that the motion to modify child support had been pending, Mr. DePasquale refused to respond to any discovery or deposition requests and failed to produce any discovery despite ample opportunities -- and court orders -- to do so. Ms. Fitzgerald argued that prior to May 6, 2022, Mr. DePasquale had never served any interrogatories, and appeared to be using this discovery request to further delay proceedings. The court granted Ms. Fitzgerald’s motion to quash. Mr. DePasquale did not appeal the court’s decision to quash the subpoena and discovery request.

At the June 6, 2022 hearing, the parties began presenting evidence regarding Ms. Fitzgerald’s motion to modify child support. At some point, the parties paused the hearing to negotiate an agreement with the assistance of counsel. On June 27, 2022, the court entered a consent order based on the evidence presented to the court and the parties’ June 6, 2022 agreement, ordering that Mr. DePasquale pay Ms. Fitzgerald \$7,000.00 in child

support each month beginning July 1, 2022, and outlined a comprehensive visitation arrangement for Mr. DePasquale and the children. The court also ordered that the several outstanding contempt and discovery-related motions were either dismissed, denied, or moot.

On November 1, 2022, Ms. Fitzgerald filed a pro-se motion seeking to modify the visitation order, requesting Mr. DePasquale’s phone access to the children be limited and that he be supervised in his visitation with the children. In support, Ms. Fitzgerald alleged that Mr. DePasquale “verbally assaulted [her] via text threatening her [and the] children many times,” and cited multiple instances of name-calling by Mr. DePasquale and disagreements regarding care for the children. On November 30, 2022, Mr. DePasquale filed an answer denying Ms. Fitzgerald’s allegations; filed a petition for contempt alleging Ms. Fitzgerald has denied visitation since November 3, 2022; and filed a motion to modify custody, visitation, and child support. In support of his motion to modify custody, visitation, and child support, Mr. DePasquale cited the denied visitation, removal of the children from private school, and a reduction in Mr. DePasquale’s income as reasons to reduce the child support award and grant him greater visitation with the children.

On January 4, 2023, Mr. DePasquale served Ms. Fitzgerald with discovery requests to produce financial documents and respond to interrogatories. On March 28, 2023, Mr. DePasquale served subpoenas on Bank of America and Cedar Point Federal Credit Union, seeking to obtain Ms. Fitzgerald’s financial records from January 1, 2020 to the present. The subpoenas requested representatives of the financial institutions to appear at a scheduled April 13, 2023 hearing and produce financial documents regarding Ms.

Fitzgerald’s financial status from January 1, 2020. On April 5, 2023, Ms. Fitzgerald filed a motion to quash the subpoenas. On April 13, 2023, the parties entered a consent order agreeing to a custody and visitation schedule, leaving only the child support issue to be resolved at a hearing scheduled for August 18, 2023. On April 19, 2023, Mr. DePasquale filed an opposition to the motion to quash the subpoenas, arguing that the information would be used to demonstrate that Ms. Fitzgerald was voluntarily impoverished, and, therefore, the child support award should be modified. Both parties filed various motions regarding discovery and for attorney’s fees in the interim. On June 9, 2023, Ms. Fitzgerald filed a motion to compel regarding discovery failures by Mr. DePasquale, including his failure to respond satisfactorily to interrogatories and produce discovery materials.

The court held a hearing on July 20, 2023 addressing Ms. Fitzgerald’s motion to quash and her motion to compel discovery. At the hearing, only Ms. Fitzgerald and counsel were present initially. Ms. Fitzgerald argued that because Mr. DePasquale was seeking to modify the support ordered in the June 27, 2022 consent order, any financial information prior to that date was irrelevant. Ms. Fitzgerald argued that the petitioner seeking a modification of child support is the party tasked with showing a material change of circumstances that has occurred from the date that the prior determination was made, i.e., June 27, 2022.

The court granted the motion to quash all financial records prior to June 27, 2022. The court also granted Ms. Fitzgerald’s motion to compel discovery after Ms. Fitzgerald noted that Mr. DePasquale had failed to produce a single financial document pertaining to his paving company, Official Asphalt, LLC, and refused to respond adequately to

interrogatories. Ms. Fitzgerald’s counsel then requested attorney’s fees totaling \$6,015.00. Counsel submitted an affidavit describing the work done in preparation for the hearing and described the corresponding rates on the record. The court ordered that Mr. DePasquale pay attorney’s fees within 15 days. The court stated that the award was “based on the Court finding today that from past experience and having knowledge of [Mr. DePasquale] and his business and his economics, that the Court finds that he is capable and can afford to make that payment.” The court continued, finding “that there is no justification whatsoever been presented here today for why the records were necessary and why the Answers and Interrogatories and other discovery was not provided in a timely fashion.”

As the court concluded its proceedings, counsel for Mr. DePasquale arrived, apologizing that he had gone to the wrong courthouse. After allowing Mr. DePasquale’s counsel to argue in opposition to the motion to quash, motion to compel discovery, and the award of attorney’s fees, the court again ordered that all financial records prior to June 27, 2022 did not need to be produced. The court further ordered that Mr. DePasquale provide discovery, and awarded Ms. Fitzgerald attorney’s fees. In doing so, the court rejected Mr. DePasquale’s argument that to demonstrate a material change in circumstances to justify a modification of the child support award, he needed financial documents to establish Ms. Fitzgerald’s financial state prior to June 27, 2022.

In its order dated July 21, 2023, the court reiterated that both parties could only receive financial documents dated from June 27, 2022 to the present. Finding that there was “no justification for why [Mr. DePasquale] did not provide complete responses to [Ms. Fitzgerald’s] Interrogatories and Request for Production of Documents in timely fashion

and that [Mr. DePasquale] is capable of and can make the payment of attorney’s fees to [Ms. Fitzgerald’s] counsel,” the court ordered that Mr. DePasquale pay \$6,015.00 in attorney’s fees related to the motion to quash and compel discovery.

On August 14, 2023, Mr. DePasquale filed a motion for reconsideration of the July 21, 2023 order to quash and compel discovery. The court held a hearing on the motion for reconsideration on November 27, 2023. The court granted the motion for reconsideration on the sole issue of attorney’s fees, deciding instead to wait until the conclusion of a hearing scheduled for February 21, 2024, at which the court would entertain arguments regarding Mr. DePasquale’s motion for modification of the child support award. During the November 27, 2023 hearing, the court reiterated its reasoning for granting the motion to quash records prior to June 27, 2022, stating:

The Court’s reason for limiting things to June 27th is because the correct standard is that there has to be a material change in circumstance.

Your client entered into a consent, okay? This was an agreement. This wasn’t a court order. The Court didn’t have a hearing. We started to have a hearing and your client didn’t like how the hearing was going, not because of anything I said or did.

* * *

What you are attempting to do, my opinion only, is you are attempting on his behalf, and you’re not wrong for this, but you are attempting to actually ask for a reconsideration of his . . . consent order that he reached with counsel, with an attorney, and he’s now unhappy with that agreement. Okay?

And it’s perfectly fine, but that should be in the form of a reconsideration of that or what it is, which is what you filed,

and it requires a material change in circumstance. Well, those circumstances are from June of 2022, June 27th of 2022.

What has happened since then that the Court should be considering for material change of circumstance to determine whether or not there should be a modification or a change? That's why the Court limited the discovery to the June 27th date.

On February 21, 2024, the court conducted a hearing on the merits of Mr. DePasquale's November 30, 2022 motion to modify child support. Mr. DePasquale argued that under the two-pronged test to modify child support -- whether there has been a material change in circumstances to either party, and, if so, whether adjusting the amount of child support owed by one party would be in the best interest of the child -- the child support Mr. DePasquale was required to pay should be modified. Mr. DePasquale argued extensively that Ms. Fitzgerald was voluntarily impoverished, and the court should rectify this by imputing income and ultimately modifying Mr. DePasquale's child support obligation. Ms. Fitzgerald noted that voluntary impoverishment typically arises when a previously employed individual quits his or her job prior to the calculation of an alimony or child support award, and emphasized that she has never been employed.

Evidence was offered regarding Mr. DePasquale's business revenue and expenses, several vehicles and monthly loan payments, vacations taken with his family, and that he makes more money now than he did when the June 27, 2022 consent order was entered. Mr. DePasquale also noted that because he has relocated to Florida, he now expends more on his monthly in-person visits with the children in Maryland. Evidence was also offered regarding Ms. Fitzgerald's previous and current role as caretaker for the five children, and

her present lack of employment and any employment history. Mr. DePasquale did not testify that he was presently unable to make the \$7,000.00 monthly child support payments. The court found no material change in circumstances was demonstrated and granted Ms. Fitzgerald's motion for judgment, declining to modify the child support award. The court gave each party 15 days to submit their respective positions regarding the request for attorney's fees.

Mr. DePasquale noted an appeal of the February 21, 2024 Order on March 6, 2024. In addition, on March 6, 2024, Ms. Fitzgerald filed a motion for attorney's fees in the amount of \$31,447.85. On March 13, 2024, Mr. DePasquale filed a motion to stay the appeal, pending the outcome of the court's determination of attorney's fees. On March 22, 2024, the court ruled on the request for attorney's fees, granting Ms. Fitzgerald attorney's fees in the amount of \$14,722.35, to be paid within 60 days of the order. The court indicated that \$6,015.00 of this award related to the July 20, 2023 hearing on the motion to quash and motion to compel discovery. The balance of \$8,707.35 related to the February 21, 2024 hearing on Mr. DePasquale's motion to modify child support. For both awards, the court found:

based on the facts and evidence before the Court, that [Mr. DePasquale] has the financial ability to pay the costs, [Ms. Fitzgerald] having limited income and there being an absence of substantial justification of [Mr. DePasquale] for bringing the action against [Ms. Fitzgerald] and the Court further finding that the costs are fair, reasonable and customary based on the work performed, the skills and services rendered and comparing to similar cases[.]

Ms. Fitzgerald was awarded less than half of her requested attorney’s fees, with \$16,725.50 still outstanding. Mr. DePasquale appealed.

STANDARD OF REVIEW

An appellate court “reviews a trial court’s decision to quash a subpoena under an abuse of discretion standard.” *In re Special Investigations Misc. 1064*, 478 Md. 528, 545 (2021). “[A]n abuse of discretion occurs where no reasonable person would take the view adopted by the circuit court.” *Id.* “A trial court’s interpretation and application of Maryland statutory law is reviewed for legal correctness under a de novo standard.” *Id.*

The court’s award of attorney’s fees is also reviewed for an abuse of discretion. *David A. v. Karen S.*, 242 Md. App. 1, 23 (2019). A court abuses its discretion “when 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.” *Santo v. Santo*, 448 Md. 620, 625-26 (2016). “An award of attorney’s fees will not be reversed unless a court’s discretion was exercised arbitrarily or the judgment was clearly wrong.” *Petrini v. Petrini*, 336 Md. 453, 468 (1994).

DISCUSSION

I. The trial court did not abuse its discretion in granting Ms. Fitzgerald’s motion to quash the subpoenas as they pertain to financial information prior to June 27, 2022.

Mr. DePasquale filed subpoenas on two financial institutions, Bank of America and Cedar Point Federal Credit Union, requesting financial information on any accounts involving interests of Ms. Fitzgerald from January 1, 2020 to the present. Ms. Fitzgerald filed a motion to quash the subpoenas regarding financial information prior to the June 27,

2022 consent order. In her motion to quash, Ms. Fitzgerald argued that because the court had entered a consent order on June 27, 2022 addressing child support -- which had considered the financial situations of the parties prior to that date -- and because Mr. DePasquale needed to show a material change in circumstances from the most recent child support order to support his motion for modification, information prior to June 27, 2022 was irrelevant. The court granted the motion to quash, ordering that any financial documents prior to June 27, 2022 need not be produced.

Mr. DePasquale contends that the trial court abused its discretion in granting Ms. Fitzgerald's motion to quash. Mr. DePasquale argues that the financial materials he sought to obtain would show Ms. Fitzgerald's voluntary impoverishment and were necessary to demonstrate a material change in circumstances for the purpose of modification of child support. Ms. Fitzgerald responds that the court properly granted her motion to quash regarding the financial documents prior to June 27, 2022 because Mr. DePasquale needed to show a material change of circumstances from the date of the previous support determination, and any financial documents prior to that order are irrelevant.

To determine if a material change of circumstances has occurred to justify the modification of a child support award, the trial court "must specifically focus on the alleged changes in income or support that have occurred since the previous child support award." *Wills v. Jones*, 340 Md. 480, 489 (1995). As such, to determine whether Mr. DePasquale's and Ms. Fitzgerald's financial situations had changed sufficiently to qualify as a material change in circumstances for the purpose of modifying child support, the court was required

to specifically focus on any alleged changes since the previous support award, which occurred on June 27, 2022.

As noted, we review a trial court’s granting of a motion to quash for abuse of discretion. *In re Special Investigations Misc. 1064*, 478 Md. at 545. A court abuses its discretion if “no reasonable person would take the view adopted by the circuit court.” *Id.* We cannot say that the court abused its discretion by granting the motion to quash the subpoena as it pertained to financial documents that the court was not even supposed to consider, as they pre-dated the previous child support award and were therefore not relevant. The decision to limit discovery to only financial documents that could properly be considered to determine whether a material change in circumstances occurred was well within the discretion of the court.

Mr. DePasquale devotes significant portions of his brief addressing what the court should have considered in ruling on his child support modification motion. In our view, this is not on appeal. The issue presented to this Court is whether the court abused its discretion in granting the motion to quash the financial records prior to June 27, 2022 -- not whether the June 27, 2022 order was in some way incorrect or whether the court erred in denying Mr. DePasquale’s motion for modification at the February 21, 2024 hearing after finding that no material change in circumstances existed. The issue before us is purely whether the court erred in determining that only financial documents pertaining to the parties’ financial status after June 27, 2022, the date of the last child support order, were relevant. The court did not abuse its discretion in deciding that the documents were not relevant and granting Ms. Fitzgerald’s motion to quash regarding information prior to the

June 27, 2022 consent order. We need not decide whether the court correctly found that there was no material change in circumstance to justify modification of the child support award. Indeed, Mr. DePasquale has not asked us to consider such a question on appeal. We, therefore, affirm the court’s decision to grant Ms. Fitzgerald’s motion to quash.

II. The trial court did not err in awarding attorney’s fees to Ms. Fitzgerald.

In addition, Mr. DePasquale contends that the trial court erred when it ordered him to pay Ms. Fitzgerald’s attorney’s fees of \$14,722.35. Of that amount, \$6,015.00 stemmed from the July 21, 2023 hearing on Ms. Fitzgerald’s motions to quash the subpoena and to compel discovery, and \$8,707.35 related to the February 21, 2024 hearing on Mr. DePasquale’s motion to modify child support. Ms. Fitzgerald counters that the court’s decision to award attorney’s fees was not an abuse of discretion.

The award of attorney’s fees in this instance is governed by Md. Code (1984, 2019 Repl. Vol.) § 12-103 of the Family Law Article (“FL”). FL § 12-103 provides:

- (a) The court may award to either party the costs and counsel fees that are just and proper under all the circumstances in any case in which a person:
 - (1) applies for a decree or modification of a decree concerning the custody, support, or visitation of a child of the parties; or
 - (2) files any form of proceeding:
 - (i) to recover arrearages of child support;
 - (ii) to enforce a decree of child support; or
 - (iii) to enforce a decree of custody or visitation.

- (b) Before a court may award costs and counsel fees under this section, the court shall consider:
 - (1) the financial status of each party;
 - (2) the needs of each party; and
 - (3) whether there was substantial justification for bringing, maintaining, or defending the proceeding.
- (c) Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party costs and counsel fees.

FL § 12-103.

Although not mandated by FL § 12-103, the court must also consider whether the fees requested are reasonable. *Sczudlo v. Berry*, 129 Md. App. 529, 550 (1999). In determining the reasonableness of the requested attorney’s fees, the court “must look at (1) whether the [award] was supported by adequate testimony or records; (2) whether the work was reasonably necessary; (3) whether the fee was reasonable for the work that was done; and (4) how much can reasonably be afforded by each of the parties.” *Lieberman v. Lieberman*, 81 Md. App. 575, 601-02 (1990); *see also Lemley v. Lemley*, 109 Md. App. 620, 633 (1996) (holding that when determining whether the fee request is reasonable, the court must “tak[e] into account such factors as labor, skill, time and benefit afforded to the client by the attorney, as well as the financial resources and needs of each party”). The relative amounts of each party’s attorney’s fees, as well as financial status and need, however, should only be considered when the court determines that both parties have a

substantial justification for their positions in the action. *Davis v. Petito*, 425 Md. 191, 206 (2012).

Mr. DePasquale argues that Ms. Fitzgerald has significant income derived from the yearly child support she receives and the sale of the marital property in 2021, and therefore, is in solid financial shape and has no demonstrated need. Further, Mr. DePasquale alleges that he has a net monthly loss of \$3,000.00 -- implying that his need is greater than Ms. Fitzgerald's. Regarding the substantial justification element, Mr. DePasquale argues that Ms. Fitzgerald is the one who acted in bad faith when filing the motion to quash, reiterating that information prior to June 27, 2022 was relevant. Similarly, Mr. DePasquale argues that Ms. Fitzgerald's motion to compel discovery was inappropriate as he had provided old tax returns and a long-form financial statement, and Ms. Fitzgerald filed too many interrogatories, so he did not need to respond. Finally, Mr. DePasquale contends that the information Ms. Fitzgerald sought to obtain from her interrogatories was the same information that she deemed "irrelevant" in her motion to quash. Despite language in several of the interrogatories themselves limiting the requested information "since June 27, 2022," Mr. DePasquale argues that the court allowed Ms. Fitzgerald to "amend her motion to compel on the spot to eliminate its obvious inconsistency with the motion to quash."

Mr. DePasquale further posits that this was a "knowing and deliberate falsehood" that the court relied on to find that he had no basis for opposing the motion to compel, and this reliance was in error. As such, Mr. DePasquale argues that he had substantial justification in defending against these motions. Regarding the fees related to the modification hearing, Mr. DePasquale again argues that the court erred in determining that

he had no substantial justification for bringing the suit, because even though he lost his motion on the child support -- which he again argues he should not have -- he prevailed on a bifurcated motion to modify visitation, which was resolved when a consent order was entered following a hearing on April 13, 2023.

Ms. Fitzgerald counters that Mr. DePasquale's lacked substantial justification for any of the actions -- defending against the motion to quash the subpoenas and the motion to compel discovery and filing his motion for modification of child support -- and, therefore, the court did not err in awarding her attorney's fees. Even though it found Mr. DePasquale lacked substantial justification in his actions, Ms. Fitzgerald contends that the court also considered the financial status and need of the parties in making its award determination. Finally, Ms. Fitzgerald notes that the court did not simply "rubber stamp" her request for \$31,447.85 in attorney's fees, and instead considered the factors and reasonableness in its determination to award her \$14,722.35.

The court awarded \$14,722.35, which included \$6,015.00 for the motions from the July 20, 2023 hearing, finding that there was "an absence of substantial justification of [Mr. DePasquale] for bringing the action against [Ms. Fitzgerald.]" The court further found "that the costs are fair, reasonable and customary based on the work performed, the skills and services rendered and comparing to similar cases[.]" The court similarly determined that Mr. DePasquale lacked substantial justification for the remaining \$8,707.35 related to the February 21, 2024 hearing, stating it was "making the same findings as to the reasons and justification for said attorney fee award."

“Substantial justification under § 12-103 requires the court to ‘assess whether each party’s position was reasonable.’” *David A. v. Karen S.*, 242 Md. App. 1, 38 (2019) (quoting *Davis*, 425 at 204). “Prevailing on the merits is a sufficient, but not a necessary, element of substantial justification in bringing, maintaining or defending a proceeding.” *Davis*, 425 at 203. “Essentially, substantial justification, under both subsections (b) and (c) of Section 12-103, relates solely to the merits of the case against which the judge must assess whether each party’s position was reasonable.” *Id.* at 206. If the court finds that there was a lack of substantial justification for maintaining a claim and absence of good cause to the contrary, the will “result in an award of attorney[’s] fees and costs to the other party, so long as those fees and costs are reasonable.” *Id.* at 201.

Mr. DePasquale did not prevail on any of his actions. Although that is not dispositive, Mr. DePasquale’s argument that he prevailed on the modification motion because visitation was changed is misplaced. Indeed, a consent order was entered on April 13, 2023, over ten months before the child support modification hearing. The court found that Mr. DePasquale’s testimony regarding his business was not credible, and that Mr. DePasquale was in a better position now that he lived in Florida than he was on June 27, 2022 when the child support consent order was entered.

As we have previously observed, we review a circuit court’s award of attorney’s fees under an abuse of discretion standard, and we will only reverse if the “court’s discretion was exercised arbitrarily or the judgment was clearly wrong.” *Petrini*, 336 Md. at 468. We cannot say that the court’s determination that Mr. DePasquale lacked substantial justification in any of his actions was clearly wrong. Under FL § 12-103(c),

“[u]pon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party costs and counsel fees.” Thus, the court was required to award attorney’s fees to Ms. Fitzgerald unless there was “good cause to the contrary,” such as if the fees were unreasonable.

The court found “that the costs are fair, reasonable and customary based on the work performed, the skills and services rendered and comparing to similar cases.” Ms. Fitzgerald submitted an affidavit and multiple exhibits outlining the services rendered and rates charged by counsel. Ms. Fitzgerald requested an amount of \$31,447.85. The court chose to award \$14,722.35, less than half of that amount. In our view, this indicates that the court considered the evidence presented and settled on an amount that it found to be reasonable. Accordingly, the court was not “clearly wrong” in its decision to award attorney’s fees to Ms. Fitzgerald and we find no error by the court in ordering Mr. DePasquale to pay \$14,722.35 in attorney’s fees.

The court did not abuse its discretion in either granting Ms. Fitzgerald’s motion to quash the subpoenas or in awarding Ms. Fitzgerald attorney’s fees. We, therefore, affirm.

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