

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 275

September Term, 2017

EDWARD G. TINSLEY

v.

MICHELLE TOWNSEND, ET AL.

Kehoe,
Berger,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: July 13, 2018

This case arises from a Complaint for absolute divorce brought by Edward G. Tinsley (“Tinsley”), appellant, against Michelle Townsend (“Townsend”), appellee, in the Circuit Court for Prince George’s County. Pursuant to a settlement agreement reached by the parties, the circuit court ordered the sale of the marital home located at 11749 Crestwood Avenue, North, in Brandywine, Maryland (“the Property”) and the equal division of the proceeds. When the parties were unable to cooperate, the circuit court appointed a trustee, V. Peter Markuski, Jr. (“the Trustee”), appellee, to sell the Property and distribute the proceeds. By an order dated February 17, 2017, the circuit court awarded \$9,079.21 in attorney’s fees to the Trustee and enjoined Tinsley from filing further pleadings without leave of the court.

On appeal, Tinsley presents six issues for our review. For the reasons explained *infra*, only two of these issues are properly before this Court, which we rephrase as follows:

1. Whether the circuit court erred or abused its discretion in granting the Trustee’s motion for extraordinary attorney’s fees, expenses, and other relief;
2. Whether the circuit court erred or abused its discretion in granting the Trustee’s motion for injunctive relief.

For the reasons explained herein, we shall affirm the circuit court’s grant of a pre-filing injunction, vacate the circuit court’s award of attorney’s fees, and remand the case for further proceedings.

FACTUAL AND PROCEDURAL BACKGROUND

In August of 2004, Tinsley filed a Complaint for absolute divorce against Townsend in the Circuit Court for Prince George’s County. On April 22, 2005, the circuit court

entered a judgment of absolute divorce. Thereafter, the parties reached a settlement agreement that addressed issues of child custody, child support, alimony, and property division. Based on that agreement, the circuit court entered a consent order dated July 13, 2005 (“the Consent Order”). The Consent Order provided, *inter alia*, that when the obligation for child support terminated, the parties would sell the Property and equally divide the net proceeds between them.¹

In October of 2006, Townsend was granted a one-year protective order against Tinsley for “stalking/harassment.” In order to effectuate the sale of the Property under the protective order, Townsend filed a motion to appoint a trustee to sell the Property and distribute the proceeds. The circuit court granted the motion and appointed the Trustee to perform these duties.

From the beginning, Tinsley refused to cooperate with the Trustee. On March 26, 2008, the circuit court ordered Tinsley to give the Trustee a key to the Property, grant the Trustee access to the Property, and assist in the sale. Tinsley refused to comply, leading the Trustee to file a motion for contempt. The circuit court granted the motion, ordered Tinsley to vacate the premises, and ordered Tinsley to appear in court to show cause why he should not be held in contempt. After Tinsley failed to appear, the circuit court issued a body attachment.

¹ The Consent Order provided that “upon the [minor child] turning eighteen (18) years of age, graduating from high school, or reaching the age of nineteen (19), the marital home . . . shall be listed for sale immediately[.]” Tinsley and Townsend were to “cooperate with each other and the real estate agency, along with executing all documents necessary, to effectuate the sale of said home[.]”

On August 17, 2009, the circuit court granted the Trustee possession of the Property. For reasons that are unclear from the record, the Prince George’s County Sheriff’s Department (“the Sheriff’s Department”) did not attempt to evict Tinsley at this time. Notwithstanding the circuit court’s grant of possession to the Trustee, Tinsley conveyed the Property to The Edward G. Tinsley Living Trust by deed on September 9, 2009.

On February 27, 2012, the circuit court ordered the Sheriff’s Department to execute the writ of possession and evict Tinsley from the Property. The circuit court also ordered Tinsley to pay the Trustee \$5,747.60 as “appropriate relief for legal services.” The Sheriff’s Department was unable to evict Tinsley, however, because Tinsley locked himself in the house and heated the doorknob from the inside. In an order dated May 23, 2012, the circuit court awarded the Trustee \$200 in attorney’s fees.

On August 15, 2012, the Sheriff’s Department successfully evicted Tinsley. Two days later, Tinsley moved back into the Property. On September 4, 2012, the Trustee filed a motion for contempt and a second motion for possession. The motions were granted. Thereafter, Tinsley effectuated the sale of the Property by The Edward G. Tinsley Living Trust to a third party by a deed dated November 16, 2012.

On November 28, 2012, the Trustee discovered that the Property had been sold and filed a verified emergency request for a writ of attachment. On November 30, 2012, the circuit court issued a writ of attachment on the proceeds from the sale of the Property, which Tinsley had deposited in a SunTrust Bank account. By an order dated February 15, 2013, the circuit court entered judgment in favor of the Trustee and against SunTrust Bank

as garnishee in the amount of \$138,612.98. The circuit court further ordered Tinsley to pay the Trustee \$19,126.20 in attorney’s fees.

Tinsley filed numerous notices of appeal in 2012 and 2013, resulting in two appeals before this Court that we subsequently consolidated. In *Edward G. Tinsley v. Michelle Townsend*, Nos. 1483 & 2516, Sept. Term 2012 (Md. Ct. Spec. App. Apr. 15, 2014), Tinsley sought review of the Consent Order, the appointment of the Trustee, and issuance of the writ of attachment.² In an unreported opinion, we dismissed Tinsley’s appeals because the record extract was “inadequate in almost every conceivable respect” and the issues had not been raised in the trial court. We also noted that Tinsley had waived any objection he had to the Consent Order by failing to make a timely appeal.

Following the dismissal of his appeals, Tinsley filed a Complaint against SunTrust Bank for wrongful honor of the writ of attachment. The circuit court granted SunTrust’s motion to dismiss the case on the grounds that the Complaint was barred by the doctrine of *res judicata*. Tinsley appealed for the third time, and the case came before us as *Edward G. Tinsley, in his Capacity as the Trustee of the Edward G. Tinsley Living Trust v. SunTrust Bank*, No. 1887, Sept. Term 2014 (Md. Ct. Spec. App. Feb. 18, 2016). In affirming the judgment of the circuit court, we noted that “[t]his same claim was litigated to a final

² Maryland Rule 1-104(b) provides that “[a]n unreported opinion of either Court may be cited in either Court for any purpose other than as precedent within the rule of stare decisis or as persuasive authority.” We refer to this Court’s prior unreported opinions only insofar as they form part of the record of Tinsley’s vexatious litigation tactics, as well as for their relevance to the law of the case doctrine. We stress that, pursuant to Maryland Rule 1-104(a), our prior unreported opinions in this matter have no precedential or persuasive value.

judgment by the same interested parties in the divorce action; the appeal of that judgment was dismissed by this Court.”

While Tinsley’s third appeal was pending, the Trustee filed a motion for extraordinary attorney’s fees for costs incurred as a result of Tinsley’s first two appeals. By an order dated March 31, 2015, the circuit court ordered Tinsley to pay the Trustee \$13,214.46. In response, Tinsley filed a motion to revise the judgment and a motion for the recusal of the trial judge. Tinsley’s motions were denied, leading to Tinsley’s fourth appeal before this Court. In *Edward G. Tinsley v. Michelle T. Townsend, et al.*, No. 1236, Sept. Term, 2015 (Md. Ct. Spec. App. June 20, 2016), we concluded that nine of the ten issues raised by Tinsley were barred on procedural grounds. The only issue properly before us was whether the circuit court had erred in denying Tinsley’s motion for recusal; concerning this issue, we held that Tinsley had failed to overcome the presumption of impartiality. Accordingly, we affirmed the judgment of the circuit court. Tinsley filed a petition for a writ of certiorari and a motion for reconsideration, both of which were denied.

While Tinsley’s fourth appeal was pending, Tinsley filed a Complaint for false imprisonment against the Trustee’s law firm, Goozman, Bernstein & Markuski (“GBM”), Prince George’s County, and an officer of the Sheriff’s Department. At a hearing on November 25, 2015, the circuit court granted GBM’s motion for summary judgment and concluded that Tinsley had filed the Complaint in bad faith. The circuit court subsequently granted summary judgment in favor of the other defendants and awarded attorney’s fees to GBM. Five days after the grant of summary judgment, Tinsley filed a Complaint “for

wrongful attachment” against the Trustee and GBM. On April 25, 2016, the circuit court granted summary judgment in favor of the defendants and found that Tinsley had filed the Complaint in bad faith. In response, Tinsley raised his fifth and sixth appeals to this Court, *Edward G. Tinsley v. Megan Starr, et al.*, No. 549, Sept. Term 2016 (Md. Ct. Spec. App. July 7, 2017) and *Edward G. Tinsley v. The Law Firm of Goozman, Bernstein & Markuski, et al.*, No. 550, Sept. Term 2016 (Md. Ct. Spec. App. July 7, 2017).³

On August 8, 2016, the Trustee filed a motion for extraordinary attorney’s fees, expenses, and other relief for costs incurred as a result of Tinsley’s fourth appeal. On August 31, 2016, Townsend filed a motion for a pre-filing order “enjoining [Tinsley] from the filing of further pleadings herein without first obtaining leave of the Administrative Judge, or acting Administrative Judge of this Court[.]” Thereafter, the Trustee moved for an order “enjoining [Tinsley] from filing any further pleadings or separate lawsuits against the Defendant, her attorney, the Trustee, and the Trustee’s law firm, without first obtaining leave of the Administrative Judge or such other Judge of the Circuit Court appointed by the Administrative Judge to review said pleadings.”

A hearing was held on February 10, 2017. Tinsley was not present. After reciting the history of the case, including Tinsley’s lawsuits against the Trustee and GBM, the trial judge found “that the Plaintiff’s actions are repetitive, abusive, frivolous and harassing in

³ Our opinion in these last two appeals was not filed until after the circuit court entered the February 17, 2017 order and is not, therefore, part of the record in this case.

nature to this litigation as just set out on the record.”⁴ The trial judge further found that “the additional costs and fees requested by [the Trustee] are indeed reasonable, fair and solely related in response to pleadings file in the case.” The trial judge found that “the sole responsibility for the numerous responses, motions, pleadings filed by [the Trustee] is indeed caused by the Plaintiff’s actions.” In an order dated February 17, 2017, the circuit court awarded the Trustee \$9,079.21 in fees and costs to be paid by Tinsley. The circuit court further ordered that

the Clerk of the Court shall not accept any further pleadings filed by the Plaintiff Edward Tinsley in this case, unless he first obtains leave of this Court to do so from the Administrative Judge or any other Judge of this Court designated by the Administrative Judge. The Clerk of the Court shall not accept any further pleadings filed by the Plaintiff Edward Tinsley against the Trustee V. Peter Markuski and/or his law firm Goozman, Bernstein, & Markuski for any causes of action arising out of the performance of his duties as the Trustee unless the Plaintiff first obtains leave of this Court to do so from the Administrative Judge or any other Judge of this Court designated by the Administrative Judge[.]

Tinsley timely appealed.

DISCUSSION

I. Standard of Review

A. *Pre-Filing Injunction*

Under Maryland Rule 15-502(b), a trial court may “at any stage of an action and at the instance of any party or on its own initiative . . . grant an injunction upon the terms and

⁴ Although Tinsley failed to include the transcript of the February 10, 2017 hearing in his record extract, he included it as an appendix to his reply brief.

conditions justice may require.” The authority granted by Maryland 15-502(b) includes the power to issue pre-filing orders “to control the actions of a vexatious or frivolous litigant.” *Riffin v. Circuit Court for Baltimore Cty.*, 190 Md. App. 11, 28-29 (2010).⁵ Generally, an appellate court reviews a trial court’s decision to grant or deny injunctive relief under an abuse of discretion standard. *Schisler v. State*, 394 Md. 519, 534 (2006) (quoting *State Comm’n on Human Relations v. Talbot Cty. Det. Ctr.*, 370 Md. 115 (2002)). Where the trial court’s decision involves a ruling of law, however, we review the court’s legal conclusions *de novo*. *Id.* at 535.

B. *Award of Attorney’s Fees Under Maryland Rule 1-341*

Maryland Rule 1-341 provides the following:

In any civil action, if the court finds that the conduct of any party in maintaining or defending any proceeding was in bad faith or without substantial justification, the court, on motion by an adverse party, may require the offending party or the attorney advising the conduct or both of them to pay to the adverse party the costs of the proceeding and the reasonable expenses, including reasonable attorneys’ fees, incurred by the adverse party in opposing it.

⁵ We have noted, however, “that while Maryland courts have the authority to issue a pre-filing order to a frivolous or vexatious litigant, such an order does not fit comfortably within the rules for civil actions or injunctions.” *Riffin, supra*, 190 Md. App. at 36. Accordingly, we have suggested that the Rules Committee “consider whether it should propose a rule that expressly authorizes pre-filing orders and establishes procedures for notice, opportunity to be heard, standards for issuance of such orders, appropriate parties, and case captioning.” *Id.*

Before a trial court may impose sanctions under Maryland Rule 1-341, “the judge must make two separate findings that are subject to scrutiny under two related standards of appellate review.” *Inlet Assocs. v. Harrison Inn Inlet, Inc.*, 324 Md. 254, 267 (1991). As the Court of Appeals has explained,

[f]irst, the judge must find that the proceeding was maintained or defended in bad faith and/or without substantial justification. This finding will be affirmed unless it is clearly erroneous or involves an erroneous application of law. Second, the judge must find that the bad faith and/or lack of substantial justification merits the assessment of costs and/or attorney’s fees. This finding will be affirmed unless it was an abuse of discretion.

Id. at 267-68.

II. The Circuit Court Did Not Err In Granting a Pre-Filing Injunction Against Tinsley.

As a preliminary matter, Tinsley “cannot, on the subsequent appeal of the same case raise any question that could have been presented in the previous appeal on the then state of the record, as it existed in the court of original jurisdiction.” *Reier v. State Dep’t of Assessments & Taxation*, 397 Md. 2, 21 (2007). The following questions raised by Tinsley are not properly before this Court because they were either raised or could have been raised in his previous three appeals: (1) whether the circuit court abused its discretion in granting the Trustee’s motion for extraordinary attorney’s fees, expenses, and other relief on March 31, 2015; (2) whether the circuit court abused its discretion in granting the Trustee’s motion for contempt, attorney’s fees, expenses, possession, and other relief on February 15, 2013; (3) whether the circuit court abused its discretion in awarding reasonable attorney’s fees to

the Trustee on May 23, 2012; and (4) whether the circuit court abused its discretion in granting Townsend’s motion for appropriate relief on February 27, 2012.

Accordingly, the only decision of the trial court that is properly before us is the February 17, 2017 order awarding \$9,079.21 to the Trustee and enjoining Tinsley from filing further pleadings without leave of the court. In reviewing the February 17, 2017 order, we will not allow Tinsley to dress up old issues in new garb. Under the law of the case doctrine, Tinsley may not use the present appeal to challenge the Consent Order, the appointment of the Trustee, the writ of possession, the writ of attachment, the reopening of the case, or the Trustee’s ability to file pleadings and collect attorney’s fees.⁶ We, therefore, reject Tinsley’s attempts to challenge the February 17, 2017 order on these grounds.

Tinsley argues that the circuit court erred in enjoining him from filing further pleadings without leave of the court. In Tinsley’s view, “[t]here is no competent and material evidence in the record to support the grant of an injunction against [him].” We disagree. The record shows that Tinsley has deliberately engaged in vexatious litigation

⁶ Assuming *arguendo* that the Trustee’s ability to file motions in this case has been preserved for our review, it is entirely without merit. A fiduciary, such as a court-appointed trustee, “may prosecute, defend, or submit to arbitration any actions, claims, or proceedings in any jurisdiction for the protection of the fiduciary estate.” Md. Code (1974, 2017 Repl. Vol.), §§ 15-102 (a)(3)(i), (p)(1) of the Estates and Trusts Article. Accordingly, the circuit court did not abuse its discretion in entertaining the motions for attorney’s fees and injunctive relief filed by the Trustee. For the same reason, we reject Tinsley’s assertion that the Trustee is not an appellee in this matter.

tactics, causing needless expense to the other parties and to the courts, and there is no reason to believe that Tinsley would be deterred by other sanctions.

Maryland courts “have certain inherent powers to deal with vexatious litigants.” *Riffin, supra*, 190 Md. App. at 26. Accordingly, a trial court may issue a pre-filing order to “control the actions of a vexatious or frivolous litigant.” *Id.* at 29. Before issuing a pre-filing order, the litigant must be afforded notice and an opportunity to be heard. *Id.* at 32.⁷ In addition, the trial court must compose an adequate record for review. *Id.* at 33-34.⁸ In determining whether to issue a pre-filing order, a trial court should consider the following factors:

(1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant’s motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

Id. at 35 (quoting *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir.1986)). Furthermore, the pre-filing order must be narrowly tailored to the circumstances of the case. *Id.* at 34.

⁷ Tinsley does not deny that he was afforded notice and an opportunity to be heard. Indeed, the trial court only issued the pre-filing order after a hearing on that question upon the motion of a party, thereby safeguarding Tinsley’s right to due process.

⁸ In this case, the trial judge’s recitation of Tinsley’s litigation tactics, which takes up approximately three pages in the transcript, provides an adequate record for our review. Notably, Tinsley does not raise this issue in his appeal.

In the case *sub judice*, the record shows that Tinsley has a history of vexatious, harassing, and duplicative litigation. For over a decade, Tinsley has employed a steady stream of frivolous filings to challenge the Consent Order, the appointment of the Trustee, and every step taken by the Trustee to sell the Property. Tinsley has filed two motions to dismiss the Trustee, three motions for recusal of a judge, a motion for contempt, a motion to cancel a hearing, a motion to release the case, a motion to dismiss the case, three motions to vacate a writ of attachment, five motions to amend or revise a judgment, and three motions to reconsider a judgment. As late as February 8, 2017, Tinsley was still attacking the validity of the 2007 court order appointing the Trustee. The vast majority of Tinsley’s motions have been unsuccessful, and a close inspection of the record reveals that Tinsley has been recycling the same meritless arguments for years.⁹

In addition, Tinsley has filed multiple frivolous lawsuits in which he has “continued to assert many of these same claims after their rejection.” *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986). Tinsley’s lawsuit against SunTrust Bank was a blatant attempt to relitigate the writ of attachment, and the circuit court appropriately dismissed the case on grounds of *res judicata*. Tinsley’s first lawsuit against the Trustee and GBM was yet another attempt to relitigate the writ of attachment, and the circuit court rightly granted summary judgment in favor of the defendants. Remarkably, Tinsley immediately filed a

⁹ On October 29, 2010, for example, Tinsley filed a motion to close the case based on “attorney malpractice/misconduct” in which he erroneously argued that the July 13, 2005 order was invalid because his attorney gave him bad advice with regard to the settlement agreement. On March 7, 2012, Tinsley filed a motion to alter or amend judgment in which he rehashed the same argument.

new lawsuit against the Trustee and GBM that re-alleged the previously adjudicated claims. Tinsley has also attempted to bring criminal charges against the Trustee and GBM. These litigation tactics “can only be characterized as senseless and unduly burdensome.” *Safir, supra*, 792 F.2d at 24.

Consistent with his vexatious behavior at the trial level, Tinsley has been using the appeals process to raise the same meritless arguments in slightly altered guise. As of February 17, 2017, Tinsley had brought four appeals before this Court and had lost every one. After we dismissed Tinsley’s first two appeals on procedural grounds, Tinsley continued to raise the same issues at the trial level and in subsequent appeals. In reviewing Tinsley’s third appeal, we noted that “[t]his same claim was litigated to a final judgment by the same interested parties in the divorce action; the appeal of that judgment was dismissed by this Court.” In reviewing Tinsley’s fourth appeal, we concluded that eight of the ten issues presented by Tinsley for review “were either raised or could have been raised in his previous appeal.”

Although Tinsley is a *pro se* litigant, it is plain from the record that Tinsley has not been vexatious out of innocent ignorance, but rather from a malicious desire to harass his opponents and delay the distribution of marital property to his ex-wife. Indeed, the circuit court only appointed the Trustee in the first place because Townsend was granted a one-year protective order against Tinsley for his “stalking/harassment.” After the Trustee was appointed, Tinsley employed a variety of contumacious tactics to prevent the sale of the Property, including locking himself in the house and heating the doorknob from the inside.

After Tinsley was evicted, he broke into the Property and moved back in. Tinsley's most outrageous offense, however, was his attempt to appropriate Townsend's share of the marital property by secretly and illegally selling the Property to a third party. In addition, Tinsley has repeatedly failed to appear in court to defend his motions.

It is clear that Tinsley's vexatious litigation has caused needless expense for all involved. We reiterate that the parties have been divorced since 2005. It was in 2005 that the parties first agreed to sell the marital home and divide the proceeds, and it was in 2005 that the circuit court entered a consent order to that effect. Thirteen years later, the proceeds from the sale of the Property still have not been distributed.¹⁰ This case, which should have been closed long ago, has spawned three additional lawsuits and six appeals, all of which Tinsley has lost. The burden placed on the legal system by such frivolous litigation is significant. As for the cost to the other parties, in the last five years Townsend has been awarded a total of \$38,288.26 in attorney's fees and appropriate relief for legal fees.

Critically, Tinsley has not been deterred by the denial of his motions, the dismissal of his lawsuits, multiple orders of contempt, a body attachment, and tens of thousands of dollars in attorney's fees. This is not surprising given Tinsley's harassment of Townsend, his refusal to cooperate with the Trustee, and his illegal sale of the marital home. Based on this record, we conclude that "other types of sanctions would be unavailing." *Safir*, *supra*, 792 F.2d at 25. Accordingly, we hold that the circuit court was fully justified in

¹⁰ At the February 10, 2017 hearing, the Trustee indicated to the circuit court that he needs "a resolution for the completion of the case in order to file the necessary paperwork with the court auditor to get that approved so that [he] can disburse these funds."

enjoining Tinsley from instituting further vexatious, harassing, or repetitive proceedings arising out of his divorce from Townsend.

Further, the pre-filing injunction was narrowly tailored to the circumstances of the case. In *Cromer v. Kraft Foods N. Am., Inc.*, the U.S. Court of Appeals for the Fourth Circuit held that the circuit court could not enjoin a vexatious litigant “from making any future filings in any *unrelated* case” in the trial court. 390 F.3d 812, 819 (4th Cir. 2004). The Fourth Circuit explained that “[p]rohibiting Cromer from making any filings in any unrelated suit does not address the problem at issue, and is therefore an overbroad restriction.” *Id.* The Fourth Circuit noted that the provision in the injunction prohibiting the litigant from making “any and all filings in this case” presented a “closer question.” *Id.* Cautioning that a categorical ban “leaves no room for potentially meritorious filings, even ones so regarded by a district court[,]” the Fourth Circuit asked the trial court to “consider on remand whether this portion of the injunction should be narrowed.” *Id.*

In the present case, the pre-filing injunction prohibits Tinsley from filing further pleadings without leave of court against the Trustee or GBM “for any causes of action arising out of the performance of his duties as the Trustee.” Because Tinsley is permitted to file pleadings in matters unrelated to the present case, we hold that this provision is not an overbroad restriction. The pre-filing injunction also prohibits Tinsley from filing any further pleadings in the divorce proceeding without leave of the court. Notably, the underlying issues in this case -- the claims of the respective parties with regard to the divorce, custody rights, and the distribution of marital property -- were effectively resolved

over a decade ago. Throughout the course of this litigation, Tinsley has not once articulated a valid reason why Townsend should not receive her share in the proceeds from the sale of the Property. In the event that Tinsley produces a meritorious pleading in the present case, we trust that the circuit court will grant him leave to file. We, therefore, hold that the circuit court did not abuse its discretion in entering a pre-filing order to control Tinsley's "repetitive, abusive, frivolous and harassing" pleadings.

The only remaining issue in this case is whether the circuit court erred in awarding \$9,079.21 in attorney's fees to the Trustee. Although the circuit court found that Tinsley's actions were "repetitive, abusive, frivolous and harassing in nature," the circuit court failed to make an explicit finding that Tinsley's conduct was "in bad faith or without substantial justification." *See Zdravkovich v. Bell Atl.-Tricon Leasing, Corp.*, 323 Md. 200, 210 (1991). Accordingly, we must vacate the award of attorney's fees and remand the case for further proceedings.¹¹ *See Talley v. Talley*, 317 Md. 428, 438 (1989).

On remand, the circuit court is directed to determine whether Tinsley maintained or defended his proceedings "in bad faith or without substantial justification" and, if so, whether a sanction of reasonable expenses is warranted. *See Inlet Assocs.*, *supra*, 324 Md.

¹¹ Tinsley also argues that the Trustee's motion for attorney's fees was not timely filed. Under Maryland Rule 2-706, a motion for an award of attorney's fees in connection with an appeal "shall be filed within 30 days after entry of the last mandate or order disposing of the appeal, application, or petition." The Trustee filed his motion on August 8, 2016, well before the circuit court issued a final order disposing of Tinsley's appeal on December 15, 2016. Contrary to Tinsley's claims, Maryland Rule 2-706 does not prohibit parties from filing *prior* to the last mandate or order disposing of the appeal.

at 267. We caution Tinsley that this is a limited remand and not an opportunity to relitigate the entire case. Indeed, we see no reason why the disbursement of the other funds due to the parties should be delayed by the proceedings on remand. Accordingly, the circuit court may, if practicable, order the immediate disbursement of the proceeds from the sale of the Property, minus any fees due to the Trustee, pursuant to the court orders entered on February 27, 2012, May 23, 2012, February 15, 2013, and March 31, 2015.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY
AFFIRMED IN PART AND VACATED IN
PART; CASE REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION; COSTS TO BE PAID 75%
BY APPELLANT AND 25% BY
APPELLEES.**