

Circuit Court for Howard County
Case No.: C-13-CV-22-000152

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 284
September Term, 2023

No. 648
September Term, 2024

ANNA RICHARDSON

v.

HOWARD COUNTY, MARYLAND

Zic,
Albright,
Kenney, James A. III,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: September 2, 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 consolidated appeal stems from two default judgments entered against Appellant, Anna Richardson, in the Circuit Court for Howard County: one against her in her individual capacity, and the other against her in her capacity as trustee of the R&A Grace Foundation Living Trust (“Trust”). Specifically, Appellee, Howard County, sued Ms. Richardson and the Trust alleging that Ms. Richardson’s use of a Moderate Income Housing Unit located at 8410 Ice Crystal Drive, Unit B, Laurel, Maryland 20723 (“Property”) violated the rules of Howard County’s Moderate Income Housing Unit (“MIHU”) program. Howard County alleged that Ms. Richardson was not occupying the unit, that she had purportedly transferred it to the Trust and that the Trust was renting the unit out to others.

When Ms. Richardson failed to provide discovery, Howard County moved for discovery sanctions against Ms. Richardson in her individual capacity. After a hearing, the circuit court granted Howard County’s motion, entered default judgment against Ms. Richardson individually, and ordered that the Property be sold back to Howard County. From that judgment, Ms. Richardson noted her first appeal.

During the pendency of that appeal, Ms. Richardson failed to answer Howard County’s second amended complaint in her capacity as trustee of the Trust. Accordingly, the circuit court entered a default judgment against Ms. Richardson in her capacity as trustee of the Trust and ordered that the Property be transferred to Howard County. Ms. Richardson noted a second appeal.

This Court consolidated both appeals *sua sponte*. In her *pro se* informal appellate briefs, Ms. Richardson presents over thirty issues for our review relating to the default

judgments. Ms. Richardson’s questions presented can be consolidated and rephrased into one: Did the court err in granting Howard County default judgments that required the transfer of 8410 Ice Crystal Drive, Unit B, Laurel, Maryland 20723 to Howard County?¹

¹ In her informal brief challenging the default judgment entered against her individually, Ms. Richardson presents thirteen overlapping issues for our review, organized under the following headings:

1. The court abused it’s [sic] “discretion to deny Motions to Vacate/ Nullify Default Judgement [sic][.]”
2. “Based upon facts and evidence provided subject property is Not a MIHU property.”
3. “Legal grounds to dismiss this Lawsuit with prejudice based on evidence and facts of the case, as provided in the Motions filed.”
4. “ABUSE OF COURT’s DISCRETION by Judge Kramer, in issuing Default Judgement [sic] without proper considerations of evidence and facts of law as it relates to real estate in MD, and in the absence of the County’s Legal interest in the property presently owned by the Trust (since 2019)[.]”
5. “Abuse of COURT’s discretion (by Judge Kramer) to award attorneys fees to Howard County, knowing very well that legal services were provided by salaried Howard County employees/legal counsels.”
6. “Abuse of court discretion [sic] to issue Default Judgement [sic] on procedural issues and not substantive issues, without hearing on Motions for Summary Judgement [sic], and Motions to dismiss filed prior to December 16, 2023 hearing.”
7. “The Court Is Without Authority to Order Ms. Richardson to Sell Her Home Back to the County, and Declaratory Judgement [sic] is the only appropriate Judgement [sic] in this case.”
8. “Anna Richardson has no statutory authority to sell the property as the non owner, or as the Former Trustee of the Subject property because the subject property has been owned by R&A Grace Foundation Living Trust since 2019.”
9. “Public Interest in the Affordable “Unaffordable” MIHU program, and negative implications of this Program as revised in 2021, for present or future owners, bound by such MIHU restrictions.”
10. “Request for Attorney’s fees and costs, in these unjustified proceedings of this vexatious lawsuit.”

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11. “Violations of Professional Conduct by Howard County’s lead Counsel Ms. Girma.”
 12. “Proper jurisdiction for this case is in Montgomery County. Special request by the Appellant not to remand this case back to Howard County Circuit Court, with the goal of avoiding additional abuse of the Appellant in that Court.”
 13. “Request payment in punitive damages.”

In her informal brief challenging the default judgment entered against her as trustee of the Trust, Ms. Richardson presents the following eighteen overlapping issues for our review, organized under the following headings:

1. “Relief requested in the Default Declaratory Judgement [sic] of April 5, 2024 was not part of the relief pleaded by the County’s Second Amended Complaint, therefore, making the Judgment legally deficient.”
2. “Only enforcement of a Restrictive Covenant, if applicable to a MIHU property, might be an appropriate remedy, but not punishment based on no alleged violations as to the Trust, pursuant to Second Amended Complaint, and based on the absence of any material violations as to the Trust based on evidence.”
3. “Howard County should not apply Revised Moderate Income Housing Covenants and Restrictions, as enacted on July 2021, RETROACTIVELY, to the purchase of the unit in 2014, or a transfer of the unit to R&A Grace Foundation Living Trust in 2019; MIHU decision making is ‘capricious, unreasonable[’], done without any criteria or guiding principles as to the enforcement.”
4. “The Howard County Circuit Court has no statutory authority to force a sale or to force a transfer of the subject property to Howard County, MD, and to deprive the Innocent Trust of the Equity in its property without JUST COMPENSATION, as defined by the US and Maryland Constitution.”
5. “Court has no statutory authority to transfer one’s private property from one party to the other by Maryland Statute, Section 8202(3). Judgment by Default is not sufficient due process in light of interest in real property at stake, protected by the 5th and the 24th Amendments to the US Constitution and Maryland Declaration of Rights.”
6. “The County’s claim is barred by Laches as supported by Statute of Limitations for Breach claims in the state of Maryland.”
7. “MIHU restrictive covenant sought to be enforced by the County is an unreasonable restraint on alienation and therefore is void.”

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8. “Second Amended Complaint should be DISMISSED WITH PREJUDICE based on the fact that there is no second Defendant Anna Richardson, as a Trustee of R&A Grace Foundation Living Trust, who resigned her trusteeship on May 12, 2023, PRIOR to the filing of the Second Amended Complaint on May 22, 2023.”
 9. “A Trust can not be sued directly pursuant to MD Trust Act of 2015; only ‘a Trustee can be held accountable for his or her actions done by them in their fiduciary capacity[’], therefore making First Amended Complaint of September 14, 2022, and the Second Amended Complaint of May 22, 2023, legally deficient, which Complaints, therefore, should be DISMISSED WITH PREJUDICE.”
 10. “Absent correct Notice of Default issued by the Clerk and properly addressed to the correct Defendant in the case, Trustee Anna Richardson, as designated by Second Amended Complaint, makes Second Amended Complaint legally deficient pursuant to MD Rule 2-613(f).”
 11. “Improper/insufficient service of the Second Amended Complaint makes it legally deficient as not allowing for the issuance of Default Judgment in accordance with MD Rule 2-613(f). Therefore, since both conditions of MD Rule 2-613(f) were not met properly in this case, Default Order of Judge Tucker of April 5, 2024 should be vacated/nullified as a legally deficient one, and Second Amended Complaint should be Dismissed with Prejudice.”
 12. “Trust is not liable for issues related to shared housing arrangements of 2016, or “rent”, as it was called by the Appellee, and these arguments, as presented at the January 8, 2024 hearing, should not have been used by [sic] as a liability in forcing the Trust to transfer it’s property to Howard County by Default Judgment.”
 13. “New Evidence as Presented in the Supplementary Objection of March 7, 2024 should be addressed properly in this case, as a Low Income Housing obligation, as it relates to Unit 7B, at 8410 Ice Crystal Drive Laurel, MD, was never signed neither by Anna Richardson, individually in 2013, nor by the Trustee Anna Richardson in 2019, therefore, making the Trust free of any MIHU / LIHU Restrictions.”
 14. “Protections allowed by the federal, State and Howard County Fair Housing acts to Anna Richardson, a disabled senior citizen, and her son with special needs residing with her in their homestead principal residence should prevent further discrimination by the court of a family by “eviction” from their home, without Just Compensation. Protections guaranteed by the Provisions of MD Act on Trusts and Estates of 2015 to beneficiaries Anna Richardson and Glyeb Koumasinski, which are
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For the reasons we shall discuss, we answer that question in the negative. Accordingly, we affirm the judgments of the circuit court.

BACKGROUND

On February 16, 2022, Howard County filed suit against Ms. Richardson asserting that Ms. Richardson bought the Property through Howard County’s MIHU program, a program administered by Howard County’s Department of Housing and Community Development (the “Department”). According to the complaint, being part of the MIHU program meant that the Property was subject to MIHU’s Declaration of Covenants and Restrictions, which ran with the land (the “Covenants”). The Covenants required that in order to purchase an MIHU unit, the owner had to agree to occupy the unit as their “principal place of residence[,]” and that on resale of the unit, the owner had to first offer

clearly stated in the Amendment to the R&A Grace Foundation Living Trust dated January 7, 2020, should be respected and observed by this court, therefore protecting them from the forced transfer of the property to Howard County without JUST COMPENSATION.”

15. “Former Trustee is entitled to the attorney’s fees and costs in defending against the County’s Unjustified lawsuit.”
16. “Public interest considerations.”
17. “Abuse of court’s discretion, unfair legal treatment and targeted discrimination of the Defendants in this unjustified lawsuit by Honorable Judge Tucker.”
18. “Request/Motion to dismiss/strike APPELLEE’s Legal Brief in the Appeal No. 284, September Term 2023, based on the untimely filing without permission by the Court for the extension of time, pursuant to the requirements of Rule 8-503; and as being directly related to the Appeal Case No. 648 September Term 2024 not to be considered by the Honorable Judges of the Maryland Court of Appeals in this appeal.”

it to the Department for purchase. Prior to her purchase of the Property, Ms. Richardson was notified of these restrictions by the Department.

The circuit court issued a scheduling order providing, among other things, a discovery deadline of September 16, 2022. On August 31, 2022, Howard County filed a motion to modify the scheduling order, asserting that it had “attempted to engage in good-faith discovery with [Ms. Richardson],” but that its attempts were “to no avail[.]” Specifically, Howard County asserted that pursuant to court order, Ms. Richardson’s discovery responses were due no later than July 15, 2022, but that to date, she had “failed [to] produce any documents” responsive to the requests and had made a “trivial” attempt to answer interrogatories.² The court granted Howard County’s request and issued an amended scheduling order which, in part, extended the discovery deadline to December 15, 2022.

On September 14, 2022, Howard County filed a first amended complaint, which added Ms. Richardson, in her capacity as trustee of the Trust, as a defendant. Therein, Howard County lodged claims against Ms. Richardson individually and as trustee of the Trust. Against Ms. Richardson individually, Howard County alleged fraud and breach of contract and sought declaratory relief. Against Ms. Richardson as trustee of the Trust, the

² After Ms. Richardson filed a motion requesting additional time to respond to Howard County’s discovery requests, the court entered an order granting Ms. Richardson’s request and ordering that she respond to Howard County’s interrogatories and requests for production of documents no later than July 15, 2022.

County sought declaratory relief. Howard County prayed that Ms. Richardson and the Trust be ordered to sell the Property to Howard County and for attorney’s fees and costs.³

In support of its claims, Howard County alleged that Ms. Richardson “violated the Rules and Regulations of the MIHU program in several ways, including by unlawfully using it for rental income and by transferring it to the R&A Grace Foundation Living Trust[.]” Specifically, Howard County asserted, in relevant part, that:

10. The MIHU program permits “eligible purchasers” to purchase a dwelling unit offered for sale to a household with a “moderate income.” Under the Howard County Code, a “moderate income” means an “annual household income of up to 80 percent of the median income in Howard County.” Howard County Code §§ 13.401(o), 13.404.

11. On February 27, 2013, [Ms.] Richardson applied for a certificate to become an “eligible purchaser” and purchase a dwelling unit offered through the MIHU program. By her signature, she agreed that she had read, understood, and would comply with the MIHU program rules.

12. Among other things, to be eligible to purchase a MIHU unit, an individual must agree to occupy the housing as their “principal place of residence.”

13. [Ms.] Richardson was accepted into the MIHU program and purchased the MIHU dwelling unit, 8410 Ice Crystal Drive, Unit B, Laurel Maryland, 20723 (the “Property”), for \$163,750.00, on March 28, 2014.

14. Prior to her purchase of the Property, the Department advised [Ms.] Richardson that the Property must be “owner-occupied as a principal residence,” and that the “owner must offer a first right of purchase to the Department at the time of resale.”

³ Howard County’s prayer for relief in its first amended complaint said:

Plaintiff Howard County, Maryland respectfully requests that the Court order Defendants to sell 8410 Ice Crystal Drive, Unit B, Laurel Maryland, 20723 to Howard County, Maryland pursuant to County Code and the provisions set forth in the Moderate Income Housing Unit Declaration of Covenant[s] and Restrictions, award Plaintiff the costs and attorneys’ fees incurred in this action, and grant any such other appropriate relief.

15. The Deed for the Property is recorded at Liber 15485 Folio 027, and states, in relevant part:

This Deed is subject to certain covenants and restrictions in a Moderate Income Housing Unit Declaration of Covenant[s] and Restrictions recorded among the Land Records of Howard County, Maryland, in Liber 11390 Folio 51, and any and all subsequent amendments thereto, which covenants and restrictions (a) run with the property in perpetuity, (b) require that the property may be transferred only in accordance with Section 14.300 *et seq* of the Howard County Code, as amended from time to time, and the provisions of the Declaration, and (c) that the property may not be mortgaged for more than the MIHU sales price established by the Department.

16. The MIHU Declaration of Covenant[s] and Restrictions (the “Covenants”), which run with the land, also provides that a MIHU Property may only be offered for subsequent sale through the Department to an Eligible Purchaser.

17. The Covenants provide[] that violation of the same may be “enjoined, restrained, or otherwise remedied by appropriate legal or equitable proceedings.”

18. On information and belief, [Ms.] Richardson agreed to occupy the Property as her principal place of residence, but, for several years, has not. In fact, she has rented the property to residential tenants for income, including as recently as October 2021.

19. On information and belief, on November 19, 2019, [Ms.] Richardson conveyed for \$0.00 the Property to the R&A Grace Foundation Living Trust, of which she is the Trustee. This Deed is recorded in the land records of Howard County at Liber 19095 Folio 1.

20. This transfer violated applicable MIHU rules and/or covenants and/or restrictions, which require (among other things) the owner of a MIHU property to “offer a first right of purchase to the Department at the time of resale.”

On September 28, 2022, Howard County filed its first “Motion for Order Compelling Discovery, and For Sanctions[,]” asserting, in part, that although counsel had entered their appearance on behalf of Ms. Richardson on August 31, 2022, that she still had not properly answered discovery. While that motion was pending, on October 5,

2022, Howard County noted Ms. Richardson’s deposition for November 2. One week prior to the deposition, Ms. Richardson’s counsel advised counsel for Howard County that she would be unable to attend the deposition due to “health issues[.]” Howard County responded that it “fully intend[ed] to proceed” with the deposition and that, without documentation indicating that Ms. Richardson required immediate medical treatment, that it would not agree to the postponement.

Two days prior to the deposition, Ms. Richardson, representing herself, filed a “Motion/Objection to the Notice by the Plaintiff to Take Deposition of the Defendant Anna Richardson on November 2, 2022[.]” requesting, in part, an order for “alternative method of the deposition” due to “her senior status and medical reasons.” Finally, on November 2, 2022, just over thirty minutes prior to Ms. Richardson’s scheduled deposition, Ms. Richardson e-mailed counsel for Howard County stating that she was “at the medical facility now” and suggested that the deposition be rescheduled for December 2, 2022.

On November 3, 2022, Howard County filed a “Second Motion for Order Compelling Discovery, and for Sanctions[.]” asserting that Ms. Richardson’s conduct, including her “refusal to comply with discovery proceedings in this matter where discovery requests have been outstanding since at least May 2022” and her “fail[ure] to appear for a properly noted deposition” called for “immediate sanctions” under Maryland Rule 2-433(a).

On December 16, 2022, one day after the extended discovery deadline, the court held a hearing on Howard County’s motions to compel discovery, where Howard County sought a default judgment against Ms. Richardson. In response, counsel for Ms. Richardson asserted that Ms. Richardson had documents demonstrating that she had a chest x-ray completed on the date of the deposition. Counsel for Howard County responded that it had not “received a single medical note” regarding Ms. Richardson’s failure to appear at the deposition.⁴ In any event, the court was not persuaded that the documents indicated “an excuse to not attend a deposition that had been noted”:

[COUNSEL FOR MS. RICHARDSON]: It is by a Dr. Chablaney that indicates he sent two letters, basically one July 25th and one on November 8th and that she was in the office on November 2nd with a chest x-ray that was completed on that date. I have a --

THE COURT: That doesn’t sound like an emergency --

[COUNSEL FOR HOWARD COUNTY]: Correct, Your Honor.

THE COURT: -- or a condition that would prevent her from attending a deposition. If she can get to the medical office and get a chest x-ray, she can certainly she wasn’t in the hospital, correct?

[COUNSEL FOR MS. RICHARDSON]: I can only read, I only have this Judge.

⁴ Ms. Richardson’s counsel noted that he had been retained “about twenty-four hours ago[.]” The record reflects that Ms. Richardson’s prior counsel withdrew their appearance on November 15, 2022, due to “differing opinions regarding [Ms. Richardson’s] legal representation.”

THE COURT: We don't have anything from a hospital indicating that she was a patient?

[COUNSEL FOR MS. RICHARDSON]: [T]his is Dr. Chablaney is an internist, so I presume [--]

THE COURT: Like my doctor, you go to the office, and they take an x-ray. Okay.

[COUNSEL FOR MS. RICHARDSON]: That's what it reads like, Your Honor.

THE COURT: Okay. I would not accept that as an excuse to not attend a deposition that had been noted --

[COUNSEL FOR HOWARD COUNTY]: I'd also like to know --

THE COURT: -- more than about thirty days' notice.

Additionally, Howard County noted a history of insufficient and “deceitful” answers in Ms. Richardson’s responses to interrogatories, including:

[W]hen she was asked, “Have you ever leased this property?”, in her original Answers to Interrogatories she stated that she had never leased the property.

The County doing its due diligence in investigating this matter, spoke to her former neighbors, located the person that she was renting the property to, had rented it to that person for more than four years. We noted that tenant’s deposition, took that tenant’s deposition, that tenant has produced for the County the cancelled checks for all rent paid to her, the advertisement that she put out on her property. The [Craigslist] ad she [used] to solicit this tenant to live in the property [sic].

Ultimately, the court found that the facts before it indicated a “pattern of obstruction” on behalf of Ms. Richardson, including “a complete failure to produce documents” and “a complete failure to appear” at her deposition. The court further noted that Ms. Richardson’s answers to interrogatories failed to provide even “very basic”

information. Accordingly, on January 11, 2023, and pursuant to Maryland Rule 2-433(a)(3), the court entered a judgment of default against Ms. Richardson in her individual capacity and ordered the sale of the Property and awarded costs and attorneys’ fees to Howard County. Ms. Richardson filed a motion to vacate the default judgment, which Howard County opposed. The court denied the motion to vacate, and Ms. Richardson noted an appeal.

Meanwhile, after several failed attempts to serve Ms. Richardson as trustee of the Trust, the court approved alternative service pursuant to Maryland Rule 2-121(c). On March 30, 2023, Howard County successfully served Ms. Richardson in her capacity as trustee of the Trust.⁵ Ms. Richardson failed to file an answer to the first amended complaint in her capacity as trustee of the Trust.

On May 4, 2023, the parties appeared before the court for a status conference. Ms. Richardson and the Trust were represented by counsel. Counsel for the Trust asserted that Howard County had failed to properly name Ms. Richardson, as the trustee of the Trust, as a defendant in the complaint. Specifically, counsel for the Trust asserted that “in order to sue a [t]rust, you must name the [t]rustee and . . . there is no reference to the [t]rustee, Ms. Richardson as a [t]rustee.” In response, Howard County pointed out that count three in the complaint were “claims against the Trust” and that Ms. Richardson had “filed [a]

⁵ Howard County’s affidavit of service noted that, as ordered by the court, it had effectuated alternative service by 1) mailing a copy of the summons and complaint to Ms. Richardson, 2) causing notice to be published in the Baltimore Sun for three consecutive weeks, and 3) causing notice to be posted at the Howard County Circuit Court.

multitude of papers . . . in her capacity as Trustee[.]” but nonetheless agreed to file an amended complaint “essentially really changing the caption, making it abundantly clear that the action is against Ms. Richardson in her capacity as [t]rustee.”

Accordingly, on May 22, 2023, Howard County filed a second amended complaint, adding “Anna Richardson, Trustee of” before “R&A Grace Foundation Living Trust” in the caption of the complaint. The second amended complaint made additional revisions to the first amended complaint, including adding to the prayer of relief, but it did not add any additional parties or causes of action.⁶ That same day, Howard County mailed the second amended complaint to Ms. Richardson.

On June 28, 2023, after Ms. Richardson failed to file an answer to the second amended complaint, Howard County filed a motion for order of default. On July 3, 2023, Ms. Richardson filed a “Motion to Strike Plaintiff’s Request for Order of Default Against Defendants” and “Motion to Strike / Dismiss Second Amended Complaint[.]” Howard County’s motion for order of default was denied without prejudice for failure to include a non-military affidavit. On July 17, 2023, after still having received no answer from Ms.

⁶ Howard County’s prayer for relief in the second amended complaint requested that the court:

Declare that the public interest is served by issuing an injunctive Order directing Defendants to sell 8410 Ice Crystal Drive, Unit B, Laurel Maryland, 20723 to Howard County, Maryland pursuant to County Code and the provisions set forth in the Moderate Income Housing Unit Declaration of Covenant[s] and Restrictions;” and that the court “determine and adjudicate the rights and liabilities of the parties as to the subject property based on Howard County Code Provisions, agreement between Ms. Richardson and the County, and the covenants and restrictions of record[.]”

Richardson as trustee of the Trust to the second amended complaint, Howard County filed an amended motion for order of default. Ms. Richardson filed a motion to strike the amended motion for order of default. On July 21, 2023, the court entered an order of default against Ms. Richardson in her capacity as trustee of the Trust.

On August 18, 2023, Ms. Richardson filed a motion seeking to be “dropped from the case[,]” asserting that she had resigned as the trustee of the Trust. Two days later, Ms. Richardson filed a motion to vacate the order of default. Howard County opposed both requests and, on September 13 and 15, 2023, respectively, the Circuit Court denied Ms. Richardson’s motion to be dropped from the case and motion to vacate the order of default.

On September 29, 2023, Howard County filed a motion for entry of default judgment. The court held a hearing in January of 2024, and on April 5, 2024, the court found that Ms. Richardson “violated the MIHU covenants and restrictions of record by (i) transferring the property to the R&A Grace Foundation Living Trust; (ii) failing to live in the property as her principal residence; and (iii) by renting the property to a third party[.]” The court entered a default judgment against Ms. Richardson in her capacity as trustee of the Trust, ordered that she transfer the Property to Howard County, and ordered that Howard County pay Ms. Richardson \$163,750 as compensation for the Property. Ms. Richardson noted an appeal as former trustee of the Trust.⁷

⁷ On appeal, Howard County filed a preliminary motion to dismiss Ms. Richardson’s second appeal, asserting that it was untimely. That motion was denied with leave to raise
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DISCUSSION

I. Standard of Review

“Maryland law is well settled that a trial court has broad discretion to fashion a remedy based on a party’s failure to abide by the rules of discovery.” *Warehime v. Dell*, 124 Md. App. 31, 43 (1998) (cleaned up). Accordingly, “appellate courts are reluctant to second-guess the decision of a trial judge to impose sanctions for a failure of discovery.” *Id.* at 44. Furthermore, this Court has made clear that “[w]here the ultimate penalty of a default judgment is invoked, it cannot be disturbed on appeal without a clear showing that the trial court abused its discretion.” *Billman v. State of Md. Deposit Ins. Fund*, 86 Md. App. 1, 9 (1991) (citing *Mason v. Wolfing*, 265 Md. 234, 236 (1972)). In other words, “in order to reverse a trial court’s decision, it must be well removed from any center mark imagined by the reviewing court and beyond the fringe of what the court deems minimally acceptable.” *Valentine-Bowers v. Retina Grp. of Washington, P.C.*, 217 Md. App. 366, 378 (2014) (quoting *Wilson v. John Crane, Inc.*, 385 Md. 185, 198–99 (2005)) (cleaned up).

II. Discovery Violations

the arguments therein in Howard County’s appellate brief. Howard County’s brief does not, however, challenge the timeliness of Ms. Richardson’s second appeal in its appellate brief; accordingly, we do not address that issue herein.

a. Legal Framework

The following factors, originally set forth in *Taliaferro v. State*, 295 Md. 376, 390–91 (1983), guide a trial court’s decision of whether to impose sanctions for a discovery violation:

(1) whether the disclosure violation was technical or substantial; (2) the timing of the ultimate disclosure; (3) the reason, if any, for the violation; (4) the degree of prejudice to the parties respectively offering and opposing the evidence; and (5) whether any resulting prejudice might be cured by a postponement and, if so, the overall desirability of a continuance.

Sindler v. Litman, 166 Md. App. 90, 124 (2005). However, we have noted that “it is not necessary for the court to go through a checklist and note its consideration for each factor.” *Muffoletto v. Towers*, 244 Md. App. 510, 542 (2020). Indeed, because the *Taliaferro* factors “[f]requently . . . overlap[,]” the Supreme Court of Maryland has observed that “[t]hey do not lend themselves to a compartmental analysis.” *Butler v. S & S P’ship*, 435 Md. 635, 650 (2013) (quoting *Taliaferro*, 295 Md. at 390–91). Instead, we look to the “entire history and context of the case” in determining whether sanctions are appropriate. *Muffoletto*, 244 Md. App. at 542 (quoting *Valentine-Bowers*, 217 Md. App. at 380). “When reviewing the circuit court’s imposition of sanctions for discovery abuse, we are bound to the court’s factual findings unless we find them to be clearly erroneous.” *Klupt v. Krongard*, 126 Md. App. 179, 192 (1999) (cleaned up).

b. Analysis

The record before us indicates that the trial court appropriately considered the entire history and context of the case before granting Howard County’s request for sanctions. The court found repeated discovery violations by Ms. Richardson, including

failing to produce “any documents” despite a court order requiring her to do so, failing to provide even, in the court’s words, “very basic” information in responses to interrogatories, and, ultimately, failing to appear at a properly noted deposition. This failure of discovery was substantial. *See Kadish v. Kadish*, 254 Md. App. 467, 498 n.11 (2022) (noting that appellant’s “failure to show up for her deposition or respond to almost all discovery requests” was substantial); *Fraidin v. Stutz*, 68 Md. App. 693, 702 (1986) (affirming sanctions for repeated violations where the appellant “failed over a period of time to comply with discovery and the court’s orders”); *see also Helman v. Mendelson*, 138 Md. App. 29, 44 (2001) (holding that the discovery violations were substantial where appellants “failed to comply with discovery orders and were dilatory in providing their opponents with information necessary” to the litigation).

As to the second factor, the timing of the ultimate disclosure, Ms. Richardson did not correct the discovery violations. Indeed, on the date of the hearing, the court found that Ms. Richardson’s deposition had not been taken despite Howard County’s efforts, that she had produced no documents despite Howard County’s requests, and that the discovery deadline had expired. *See Muffoletto*, 244 Md. App. at 545 (affirming sanctions where appellant “did not correct the substantial violation”). Moreover, Ms. Richardson waited until half an hour before the deposition was scheduled to provide evidence of any medical appointment, and even then, she provided no evidence of an emergency. Before providing the evidence of her x-ray appointment, Ms. Richardson had asked to postpone the deposition multiple times, but she ignored Howard County’s refusal. Her other

discovery violations were also continuous throughout the process, such as her failure to produce documents and answer interrogatories.

Further, the court found Ms. Richardson’s reasons for her discovery violations unavailing, noting that her “[c]laims of illness” were “not really documented[,]” and that the medical note indicating that she received a chest x-ray on the day of the deposition did not “prove that she was medically unable” to appear. Instead, the court found Ms. Richardson’s reason for failing to appear not credible, noting that it indicated “further evidence of her efforts to not engage in the discovery process.” As we have previously stated, “[w]e do not disturb the hearing court’s credibility assessments unless clearly erroneous.” *Payne v. State*, 243 Md. App. 465, 478 (2019). As it was allowed to do, the court “assigned little weight to [her] unsupported explanation for the failure to [engage in the discovery process.]” *See Lone v. Montgomery County*, 85 Md. App. 477, 486 (1991) (imposing the ultimate sanction, judgment by default, where the defendant did not file their answer timely and granting the plaintiff’s requested injunctive relief concerning real property). We see no clear error in the court’s credibility assessments in the record before us.

As to the fourth factor, the prejudice to the parties, the court noted that Ms. Richardson’s conduct had “deprived” the parties of the opportunity to litigate the case effectively. Specifically, the court asserted that in failing to appear at the deposition, Ms. Richardson failed to “give the County an opportunity to hear what her defenses are, [and] to hear the facts that support why they should just drop their case and go away.” *See*

Billman, 86 Md. App. at 13 (holding that “appellants’ failure to appear for deposition certainly deprived appellees of the opportunity to avail themselves of all the discovery procedures permitted under the Maryland Rules”). Further, the court found that Ms. Richardson had several opportunities to prevent the prejudice, including that she “[c]ould have gotten a doctor’s note, [and] could have filed a [m]otion for [p]rotective [o]rder[.]” but that she “[f]ailed to do either of those things” and instead, filed a motion to postpone “at the eleventh hour[.]” *See Helman*, 138 Md. App. at 45 (noting prejudice to appellees where appellant “continually delayed” providing responses to discovery). She also could have responded to other discovery requests besides the deposition, but she failed to even produce all the documents requested of her or answer the interrogatories posed.

Finally, the court was not persuaded that postponement would cure any prejudice, noting that Ms. Richardson already had several opportunities to comply with discovery, and failed to:

If she had a good defense, if she has a decent defense to this case, she had the opportunity to bring it forward in deposition. She had the opportunity to bring forward the details of her defenses in [a]nswers to [i]nterrogatories which the ones I’ve heard, just the very basics, did you live there, she’s not going to tell you.

On appeal, Ms. Richardson challenges the fact that the court did not specifically mention each factor before awarding sanctions, asserting that “the [c]ourt never stated whether the violation was technical or substantial, the degree of prejudice to the respective parties, and whether a continuance or lesser sanction would be appropriate.” However, as noted *supra*, the court was not required to do so. *See, e.g., Muffoletto*, 244

Md. App. at 542. Instead, the transcript reflects that the court properly reviewed the entire history and facts of the case in determining, in its discretion, that a default judgment was appropriate.

Further, Ms. Richardson challenges the court’s decision to order the ultimate sanction of a judgment by default, asserting that courts generally “prefer cases to be resolved on merits” and arguing it was an abuse of discretion for the court to make its finding based on a procedural rather than a substantive issue. It is true that in ““virtually every case where the ultimate sanction has been imposed, such action has been taken in the presence of contumacious or dilatory conduct[.]”” *Billman*, 86 Md. App. at 11 (quoting *Williams v. Williams*, 32 Md. App. 685, 695 (1976)). However, as our Supreme Court has made clear, the court’s preference to resolve cases on the merits, rather than ordering the ultimate sanction of dismissal or judgment by default, applies where the facts do not indicate “egregious misconduct such as willful or contemptuous behavior, a deliberate attempt to hinder or prevent effective presentation of defenses or counterclaims, or stalling in revealing one’s own weak claim or defense.” *Manzano v. S. Md. Hosp., Inc.*, 347 Md. 17, 29–30 (1997) (quoting *Rubin v. Gray*, 35 Md. App. 399, 400–01 (1977)) (cleaned up). Further, the court’s decision to order the ultimate sanction of judgment by default is up to the discretion of the judge and may be imposed “even where a party’s failure to comply with a discovery order is neither wil[l]ful nor contumacious[.]” *Billman*, 86 Md. App. at 11–12 (quoting *Williams*, 32 Md. App. at 695) (cleaned up). The ultimate sanction may also be imposed ““for a deliberate attempt to

hinder or prevent effective presentation of defenses or counterclaims, or for stalling in revealing one’s own weak claim or defense.” *Id.* at 12 (quoting *Rubin v. Gray*, 35 Md. App. at 400) (cleaned up). And it may be imposed even “when there were less stringent sanctions available.” *Id.*

While a court may impose the ultimate sanction even where there is no willful or contumacious behavior, the court here found that Ms. Richardson engaged in a pattern of obstruction, despite her arguments otherwise. Ms. Richardson’s actions during discovery deprived Howard County of all the information necessary to litigate its case, much like the defendants in *Billman*. In *Billman*, the plaintiffs had set a date for discovery, but one day before it was scheduled, defendants filed a “Motion for Protective Order That Discovery Not Be Had.” *Billman*, 86 Md. App. at 7. The trial court denied the motion, but the defendants failed to appear for their depositions and to produce the requested documents. *Id.* Similarly, here, Ms. Richardson failed to produce numerous pieces of evidence and information that were requested of her, and she failed to appear for her deposition, in fact attempting to postpone it only a half hour before it was due to start. Thus, like the defendants in *Billman*, Ms. Richardson’s “failure to appear for deposition certainly deprived appellees of the opportunity to avail themselves of all the discovery procedures permitted under the Maryland Rules.” *See id.* at 13. Indeed, considering Ms. Richardson’s “pattern of obstruction” that the court found, the court was well within its discretion to grant the sanction.

Ms. Richardson acknowledges, indeed quotes, the language from *Manzano*, 347 Md. at 29, but maintains that the court erred in finding that her conduct was willful and contumacious. In support, she contends that the “numerous motions and other papers” she filed indicate that she was “fully and seriously participating in this litigation[,]” adding that she “has a government security clearance based on her honesty, trustworthiness, credibility and good character.” It is unclear how these assertions demonstrate clear error on behalf of the court in finding that her conduct relating to discovery was willful and contumacious. In any event, we hold that the court’s findings are supported by the record and are not well-removed from any center mark imagined or beyond the fringe of what this court deems minimally acceptable. Accordingly, the court did not abuse its broad discretion in imposing this sanction.

In addition, Ms. Richardson challenges the default judgment’s ordered sale of the Property, asserting the court erroneously ordered a “forced sale without properly looking into the[] evidentiary facts and arguments[.]” However, Maryland Rule 2-433(a)(3) broadly permits a court, upon finding “a failure of discovery,” to enter a default judgment “that includes a determination as to liability and all relief sought by the moving party against the failing party[.]”

Here, the relief requested in Howard County’s amended complaint was the sale of the Property to Howard County. Had the matter proceeded to trial, we cannot say that Howard County would not be entitled to the relief requested following a verdict in its favor. Accordingly, we cannot say that the default judgment, or the relief awarded

therein, was an abuse of discretion. *See Billman*, 86 Md. App. at 6 (affirming determination that the plaintiff, following the court’s entrance of a default judgment against defendant due to defendant’s discovery violations, was “entitled to either the property or the proceeds of foreclosure sales in certain cases then pending”). Indeed, as noted by our Supreme Court, determining whether sanctions should be imposed, including “what sanction is appropriate, involve[s] a very broad discretion that is to be exercised by the trial courts.” *N. River Ins. v. Mayor & City Council of Balt.*, 343 Md. 34, 47 (1996). We see no reason to disturb the trial court’s determination under these facts.

Finally, Ms. Richardson contends that the court abused its discretion by awarding attorney’s fees and costs to Howard County, asserting that Howard County has a “billion dollar budget[,]” and that Howard County’s “legal services were provided by salaried Howard County employees[.]” Ms. Richardson does not explain how her assertions indicate an abuse of discretion or identify any legal authority in support of her position. Accordingly, because arguments “not presented with particularity will not be considered on appeal[,]”⁸ we decline to consider Ms. Richardson’s argument regarding the fees and costs awarded.⁹

⁸ *Klaunenberg v. State*, 355 Md. 528, 552 (1999).

⁹ Ms. Richardson raises several additional issues in appeal of the default judgment entered against her in her individual capacity, including regarding her purchase of the Property in 2014, the “negative implications” of the MIHU program, and the alleged violations of professional conduct by opposing counsel. Additionally, she includes “a special request . . . not to remand this case back to Howard County Circuit Court[,]” and a request for punitive damages. None of these issues appear to have been raised in or

(continued)

III. Failure to Answer the Second Amended Complaint

Ms. Richardson contends that the court erred in entering a default judgment against “the [i]nnocent Trust” for failing to answer the second amended complaint. Specifically, she asserts several contentions as former trustee of the Trust, including that Howard County has “not properly acquired jurisdiction over the Defendant, Trustee of R&A Grace Foundation Living Trust, Anna Richardson[,]” that the court erred in denying her motion to vacate the default order entered against the Trust, that the relief ordered in the default judgment “goes extraordinarily beyond the relief requested” and constitutes an “unconstitutional and impermissible deprivation of value and property[,]” and that the “Trust is not liable for issues related to [renting the Property.]” However, we do not reach these issues because the Trust is not a party to the instant appeal, and Ms. Richardson does not allege or contend any interest to raise these issues in her personal capacity. *See Lopez-Sanchez v. State*, 155 Md. App. 580, 595 (2004), *aff’d*, 388 Md. 214 (2005) (noting that a “fundamental principle” of appellate standing is that “an appellate court will not entertain an appeal by one who does not have an interest that will be affected by prosecuting the appeal.”).

**JUDGMENTS OF THE CIRCUIT COURT
FOR HOWARD COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

decided by the circuit court. Accordingly, they are not properly before us on appeal. *See* Md. Rule 8-131(a).