Circuit Court for Howard County
Case No. 13-C-13-097021

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 296

September Term, 2017

K.M.

v.

C.D.

Wright,
Graeff,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: June 27, 2019

K.M., appellant, appeals the order of the Circuit Court for Howard County entering a $1,250 judgment against him in favor of C.D., appellee. The court entered the judgment after it imposed this amount as a sanction for the failure to adequately respond to discovery.

On appeal, K.M. presents three questions for this Court's review,[1] which we have consolidated as follows:

> Was the entry of a money judgment against K.M. improper because it was based on an improper discovery sanction?

For the reasons set forth below, we answer that question in the negative, and therefore, we affirm the judgment of the circuit court.

[1] K.M. presents the following questions:

> 1. Did the circuit court abuse its discretion and thereby violate the Appellant's constitutional right to procedural due process when it granted sanctions under Rule 2-433(c) before the time for compliance expired and without giving the Appellant an opportunity to be heard after the time for compliance expired?
>
> 2. Did the circuit court abuse its discretion when it entered an order compelling production and sanctions against an individual when the moving party (1) did not comply with the specificity required by Rule 2-432(b)(1); (2) did not reasonably describe in her motion the documents she claimed to be improperly withheld; and (3) failed to show that the documents sought were in the control of the individual Appellant distinguished from a third party business entity who generated and kept those business documents in its principal office?
>
> 3. Did the circuit court abuse its discretion when it granted monetary sanctions when the Father's ability to comply with his discovery obligations was impeded by a series of family emergencies?

FACTUAL AND PROCEDURAL BACKGROUND

K.M. and C.D. are the parents of two children, a son and a daughter. On July 7, 2014, K.M. and C.D. entered into a parenting plan, which was incorporated into a court order dated July 8, 2014. The parenting plan gave K.M. primary physical custody of the minor children during the school year, as well as joint legal custody, with tie-breaking authority. C.D. would have the children overnight on alternate weekends and equal time over summer vacation.

The parenting plan required C.D. "to show that she [was] alcohol and drug free and . . . continue getting regular and frequent counseling as necessary." It also required C.D. to submit to a drug and/or alcohol test within 12 hours of being requested to do so by K.M. If C.D. failed a drug or alcohol test, the children's future visits with C.D. would stop until she was able to provide K.M. "with proof of attendance at counseling and two clean urine tests."

On May 3, 2016, approximately two years after the entry of the court order incorporating the parenting plan, K.M. filed a Motion to Modify Custody and to Establish Child Support.[2] He alleged, *inter alia*, that C.D. was abusing alcohol, did not comply with a request to submit to alcohol testing, and had not attempted to see the children since April 3, 2016. He further asserted that C.D. was unreliable in terms of exercising her visitation, disruptive to the children's schedules, and failed to take their son to school on several

[2] On August 31, 2016, K.M. filed an Amended Motion to Modify Custody and to Establish Child Support. The changes between the original and amended motions were not substantive, but rather, they corrected some dates in the original motion.

occasions. Finally, he requested child support because his income had "dropped dramatically," and he had to hire a nanny to "catch up on his work while providing reliable and competent care for the children that [C.D.] ha[d] been unable or unwilling to provide during the times [he] ha[d] to work."

On August 29, 2016, C.D. filed a countercomplaint seeking to change the legal and physical custody of the children. On August 31, 2016, following the issuance of a scheduling order, C.D. served K.M. her first set of interrogatories and document requests.

By October 24, 2016, K.M. had not responded to C.D.'s discovery requests. On that day, C.D.'s counsel sent a "good faith attempt to resolve discovery dispute" letter, requesting that K.M. provide responses by the close of business on October 28, 2016.

On November 1, 2016, K.M. emailed C.D.'s counsel, advising that he would "probably need one more week to get [her] discovery answers." He stated that he had "started assembling and scanning documents to produce," but he had numerous other matters that he was working on, which had "due dates . . . long before [C.D.'s counsel] served discovery," and he was "doing [his] best to catch up every day."

On November 16, 2016, C.D. filed a Motion to Compel and for Sanctions, stating that K.M. had failed to respond to discovery and was "deliberately and intentionally" delaying his responses, to her detriment. She asked for attorney's fees in the amount of $250.

On that day, K.M. emailed C.D.'s counsel, stating as follows:

> I stayed up until 2:27 am drafting my Answers to Interrogatories. They are full of info, not evasive or general terms. You will have the signed copies by Saturday eve. I have a legal memo due Friday and I'm in court all day

> tomorrow. I need more time for doc production. Thank you for agreeing to extend discovery.[3] I'm going to give you my answers to Interrogs before I file the motion.

On December 8, 2016, K.M. emailed C.D.'s counsel stating that he had "finished a draft of [his] responses and assembled some of the documents," but he needed to "scan a pile and finalize [his] responses," and he expected to be able to produce his response to the document requests over the weekend. On December 14, 2016, after no response had been received, C.D.'s counsel wrote an email to K.M. stating that she expected document responses by the end of the week, and if she did not receive them, she would file another motion to compel. That same day, the court denied C.D.'s first Motion to Compel and for Sanctions "for failure to comply with Maryland Rule 2-431 requiring a 'certificate describing the good faith attempts.'"

On December 21, 2016, C.D.'s counsel filed a Second Motion to Compel and for Sanctions. The motion acknowledged that K.M. had produced responses to the interrogatories, and it listed dates that C.D. had requested K.M. to produce discovery responses. Counsel requested attorneys' fees in the amount of $250 for work related to the motion.

On January 2, 2017, after the second motion to compel was filed, K.M. produced responses to the document requests. At the top of his responses, he provided the following notation:

[3] On November 28, 2016, K.M. filed a motion to enlarge the discovery period because he had been out of town due to the sickness and death of his parents. This motion was granted, and the discovery period was extended to January 31, 2017.

> **NOTE:** Any documents that are responsive to a Request and not subject to an objection interposed by the undersigned party that are not supplied with this Response are available for inspection and copying by the propounding party or her attorney [at] 10377 Scaggsville Road, Laurel, Maryland, at any time with reasonable notice to the undersigned.

Many of the responses to C.D.'s 50 document requests directed her to "Response No. 2," which noted that K.M. had produced his state and federal tax returns for the years 2012-2015, including his personal and corporate tax returns.

On January 20, 2017, the court wrote the following handwritten notation on C.D.'s second motion to compel and for sanctions: "Court sees [K.M.'s] response. Has [K.M.] complied from [C.D.'s] point of view?" No order regarding the second motion was entered at this time.

On January 24, 2017, C.D. filed a Supplemental (Third) Motion to Compel and for Sanctions.[4] She noted that discovery requests were served nearly six months earlier, and "[i]t ha[d] taken two Motions to Compel discovery for [K.M.] to comply with [C.D.'s] discovery requests," but he was "continu[ing] to produce documents, without end," and she "ha[d] no way of knowing whether [K.M.] . . . produced all of the requested documents or if he [was going to] continue to send documents up until the date of the Settlement Conference."

In connection with the filing of the Supplemental (Third) Motion to Compel and for Sanctions, C.D.'s counsel requested, among other things, an award of attorneys' fees in the

[4] Counsel advised the court at the subsequent hearing that the third motion to compel was filed as a supplement to the second motion to compel, in response to the court's question whether C.D. had received the rest of the discovery requested, and the answer was "no."

amount of $1,000. An affidavit in support of the request was included and set forth counsel's hourly rate and the customary rates of other attorneys in the same area for similar representation.

K.M. opposed the Supplemental (Third) Motion to Compel and for Sanctions, asserting that he provided "**signed and sworn** Answers to Interrogatories nearly three months ago on Nov. 20, 2016," and he "served his formal responses to [C.D.'s] Requests for Production on January 2, 2017." He further asserted that, when he served his formal responses to the document requests, he "stated that the responsive documents that were not subject to an objection '[were] available for inspection and copying by the propounding party or her attorney [at] 10377 Scaggsville Road, Laurel, Maryland, at any time with reasonable notice to the undersigned.'" He also noted that he had scanned many documents and sent them to C.D.'s counsel.

K.M. argued that his responses conformed with Maryland Rule 2-422 because "inspection [was] permitted as requested for 48 of the 50 Requests." C.D., however, did not request to inspect the documents. K.M. also contended that the court was "not empowered to grant the relief sought by [C.D.] because [she] ha[d] not identified any documents she actually did not receive or which were not included in the open inspection that [C.D.'s] [c]ounsel ha[d] failed to act on to date."

In reply, C.D. asserted that K.M. had not complied with all of the requests, specifically noting that K.M. had failed to provide any information regarding his bank accounts. Because C.D. was aware that K.M. had accounts at SunTrust, she had

subpoenaed those records, but she had no way of knowing whether other accounts at other financial institutions existed.

On February 23, 2017, the court issued a notice scheduling a hearing for March 3, 2017, to address K.M.'s motion to dismiss C.D.'s countercomplaint and C.D.'s third motion to compel and for sanctions. On March 3, 2017, however, K.M. failed to appear for the hearing. According to K.M., he failed to appear because he misread the notice and "calendared the matter for March 13, 2017, instead of March 3, 2017."

At the March 3 hearing, the court first confirmed that K.M. had received notice of the hearing date.[5] In support of C.D.'s motion to compel and for sanctions, counsel stated that she had not received the discovery she requested, and trial was scheduled for March 12. Counsel stated that she had been seeking bank statements and business records regarding K.M.'s income, and she had billed C.D., a waitress at Bob Evans, $1,250 to get the information that K.M. failed to provide in discovery.

The court ruled:

> [K.M.'s] going to be required to respond to [C.D.'s] discovery request no later than March 7 which is Tuesday, if [K.M.] does not produce the . . . responses he will be precluded . . . from testifying or introducing any evidence or exhibits at trial which was not produced [in] discovery and I am awarding $1,250.00 in counsel fees and I'm going to make that payable within 10 days.

[5] In this regard, the court stated: "Let me make sure he got notice, yep okay, okay so we are scheduled today for [C.D.'s] Motion [to] compel and for sanctions."

The court's March 3, 2017, order was entered on March 9, 2017. A copy of the order was mailed to K.M. on March 10, 2017.[6]

K.M. made an oral motion during the March 13, 2017, trial, asking the court to reconsider its rulings from the March 3 hearing.[7] The court denied that request.

On March 20, 2017, K.M. filed a motion to vacate the court's order imposing sanctions, asserting, in relevant part, that there were "procedural, substantive, and Due Process defects in the issuance of the Sanctions Order." He argued that the court did not have the authority to impose immediate sanctions, but rather, it "was only empowered to enter an order compelling further production if [C.D.'s] Motion to Compel complied with Rule 2-432(b)(2)." He asserted that the motion did not comply with the rule because it did not specify which documents were being sought. He also argued that the order was procedurally defective because "immediate sanctions" were authorized only in limited circumstances, which did not apply here because no order compelling discovery had been entered and subsequently violated. Moreover, K.M. argued that, because the order was not

[6] K.M. stated in his motion to vacate the March 3 order that he was not aware of the order until March 8, 2017, when it was referred to in an email sent by C.D.'s counsel, but the terms of the order were not disclosed at that time. He requested information regarding the order because he could not see anything about the order in the docket entries when he checked them on March 8, 2017, but he did not receive a copy of the order from counsel. K.M. further stated that he reviewed the docket the day before the parties' trial on the merits, and he discovered that the order had been docketed on March 9, 2017, two days after the deadline for compliance. He asserted that the court informed him of the specifics of the order by reading it in open court on March 13, 2017; that was the same day that the post office delivered a copy of the order to his home.

[7] K.M. did not include a copy of the transcript in the record of this appeal. The docket entries reflect: "Court will not revisit motions" ruled on at the March 3, 2017, hearing.

docketed until two days after the date of compliance, he was not given the requisite notice under Md. Rule 2-433(c).

C.D. opposed K.M.'s motion to vacate the discovery sanction and requested that the court reduce the monetary sanction to a judgment. K.M. asserted that a monetary judgment could not be entered and "should not be considered until the conclusion of all matters in this case." Noting that the discovery sanction was an "interlocutory matter," he argued that a judgment should not be entered until the conclusion of the litigation so "all issues can be appealed at one time."

On April 3, 2017, the court issued an order denying K.M.'s motion to vacate. It ordered that "Judgment shall be entered against [K.M.] in favor of [C.D.] in the amount of" $1,250.

K.M. stated in his brief that he "paid the Judgment in full on April 13, 2017."[8] This appeal followed.

STANDARD OF REVIEW

We review a trial court's factual findings with respect to a discovery sanction for clear error. *Cumberland Ins. Group v. Delmarva Power*, 226 Md. App. 691, 698, *cert. denied*, 447 Md. 298 (2016). The determination whether a court's factual findings are clearly erroneous depends on whether there is substantial evidence in the record to support

[8] Although K.M. paid the monetary judgment, this did not render the appeal moot. K.M. is seeking to recover the money he paid and to escape potential collateral consequences of a money judgment entered against him. *See Cane v. EZ Rentals*, 450 Md. 597, 612 (2016) ("A civil judgment may be included on an individual's credit report [and have] negative effect[s] on the individual's credit score.").

the court's decision. *Estate of Zimmerman v. Blatter*, 458 Md. 698, 717 (2018). "'[I]f any competent material evidence exists in support of the trial court's factual findings, those findings cannot be held to be clearly erroneous."' *Spencer v. State*, 450 Md. 530, 548 (2016) (quoting *Webb v. Nowak*, 433 Md. 666, 678 (2013)). With respect to the court's ultimate decision to impose discovery sanctions, our review is for an abuse of discretion. *Cumberland Ins. Group*, 226 Md. App. at 698. *Accord Klupt v. Krongard*, 126 Md. App. 179, 201, *cert. denied*, 355 Md. 612 (1999). An abuse of discretion occurs when the court's ruling is '"clearly against the logic and effect of facts and inferences before the court."' *Kpetigo v. Kpetigo*, 238 Md. App. 561, 585 (2018) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)).

DISCUSSION

We begin by addressing the threshold issue of whether this appeal is properly before us. Although C.D. did not address the issue in her brief, "we must dismiss a case *sua sponte* on a finding that we do not have jurisdiction." *Miller and Smith at Quercus, LLC v. Casey PMN, LLC*, 412 Md. 230, 240 (2010).

Generally, "litigants may appeal only from what is known as a 'final judgment."' *URS Corp. v. Fort Myer Constr. Corp.*, 452 Md. 48, 65 (2017); Maryland Code (2013 Repl. Vol.) § 12-301 of the Courts & Judicial Proceedings Article ("CJP"). As the Court of Appeals has explained:

> [A] final judgment exists only when the trial court intends an "unqualified, final disposition of the matter of the controversy" that completely adjudicates all claims against all parties in the suit, and only when the trial court has followed certain procedural steps when entering a judgment in the record.

URS Corp., 452 Md. at 65 (quoting *Waterkeeper All., Inc. v. Md. Dep't of Agric.*, 439 Md. 262, 278 (2014)). *Accord Md. Bd. of Physicians v. Geier*, 451 Md. 526, 545 (2017) ("To constitute a final judgment, a trial court's ruling 'must either decide and conclude the rights of the parties involved or deny a party the means to prosecute or defendant rights and interests in the subject matter of the proceeding.'") (quoting *Harris v. State*, 420 Md. 300, 312 (2011)).

The circuit court's March 3, 2017, order awarding sanctions against K.M. was not a final judgment because it did not constitute a final disposition of the matter before the court, i.e., the motion to modify custody.[9] Indeed, K.M. concedes in his brief that "[t]here is no statutory right to an interlocutory appeal from a discovery order imposing other forms of sanctions."

K.M. contends, however, that this appeal is properly before this Court under one of the exceptions to the final judgment rule. Specifically, he contends that his appeal from the April 4, 2017, order entering a money judgment, is allowed pursuant to CJP § 12-303(3)(v), which permits an appeal from an interlocutory order entered by a court in a civil case for the payment of money.

[9] A final judgment in the custody case was entered on September 18, 2017, and this Court affirmed the judgment in an unreported opinion, *K.M. v. C.D.*, No. 1760, Sept. Term, 2017 (filed Jan. 17, 2019). One of the issues in that appeal involved the circuit court's exclusion of evidence as a discovery sanction. That sanction was different from the one addressed in this appeal, and appellant's argument in that regard was different from the argument in this case.

In *Della Ratta v. Dixon*, 47 Md. App. 270, 284–86 (1980), this Court held that an order granting partial summary judgment and awarding money damages was not appealable as a "payment of money," noting that the General Assembly intended this phrase to refer to orders that had been rendering in equity, such as an order to pay alimony or child support. A partial judgment for money damages is not an equitable order because it "is not immediately enforceable, and the debtor suffers no direct and irreparable prejudice from the lack of an immediate appeal." *Id.* at 286. *Accord Yamaner v. Orkin*, 310 Md. 321, 324–25 (1987) (order requiring party to pay attorneys' fees not appealable under CJP § 12-303(3)(v)).

In *Tobin v. Marriott Hotels, Inc.*, 111 Md. App. 566 (1996), however, we addressed whether the court's imposition of a sanction against a party that was later reduced to a monetary judgment was appealable under CJP § 12-303(3)(v). We held that such a judgment was appealable because its effect was to place a "lien on any land owned by [plaintiff] and subjected his personalty to seizure through writs of attachment." *Id.* at 571.

Here, K.M. is appealing the imposition of a sanction that subsequently was entered as a monetary judgment. As in *Tobin*, the judgment is appealable under CJP § 12-303(3)(v).

Accordingly, we turn to the merits of K.M.'s appeal.

K.M. contends that the circuit court abused its discretion and violated his procedural due process rights when it "granted sanctions before the order compelling discovery was docketed by the Clerk and served on [him]." He makes two arguments in this regard. First, he argues that the circuit court's ruling was not in accord with the rules. He asserts that

immediate sanctions under Rule 2-433(a) were improper because subsection (a) applies only when there has been a "failure of discovery," and K.M. had produced responses to C.D.'s discovery requests. And he contends that sanctions under Rule 2-433(c) were improper because subsection (c) permits sanctions only for a failure to obey an order compelling discovery, and the circuit court had not issued such an order prior to its imposition of sanctions. Second, K.M. contends that the court's failure to comply with the rules amounted to a violation of his procedural due process rights guaranteed by the Fourteenth Amendment.

C.D. contends that the circuit court "did not abuse its discretion and thereby violate [K.M.'s] constitutional rights to procedural due process when it granted sanctions" against him. She asserts that the premise of K.M.'s claim, that the court could not order attorneys' fees until he failed to comply with the March 3, 2017, order, "is blatantly incorrect."

We begin our analysis with a review of the relevant discovery rules. Maryland Rule 2-432 provides, in pertinent part:

> (a) **Immediate Sanctions for Certain Failures of Discovery.** A discovering party may move for sanctions under Rule 2-433 (a), without first obtaining an order compelling discovery under section (b) of this Rule, if a party or any officer, director, or managing agent of a party or a person designated under Rule 2-412 (d) to testify on behalf of a party, fails to appear before the officer who is to take that person's deposition, after proper notice, or if a party fails to serve a response to interrogatories under Rule 2-421 or to a request for production or inspection under Rule 2-422, after proper service. Any such failure may not be excused on the ground that the discovery sought is objectionable unless a protective order has been obtained under Rule 2-403.

Maryland Rule 2-433(a) describes the sanctions that a court may impose for a violation of Rule 2-432(a). It provides, in pertinent part, as follows:

> (a) **For Certain Failures of Discovery.** Upon a motion filed under Rule 2-432 (a), the court, if it finds a failure of discovery, may enter such orders in regard to the failure as are just, including one or more of the following:
>
> * * *
>
> (3) An order striking out pleadings or parts thereof, or staying further proceeding until the discovery is provided, or dismissing the action or any part thereof, or entering a judgment by default that includes a determination as to liability and all relief sought by the moving party against the failing party if the court is satisfied that it has personal jurisdiction over that party. If, in order to enable the court to enter default judgment, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any matter, the court may rely on affidavits, conduct hearings or order references as appropriate, and, if requested, shall preserve to the plaintiff the right of trial by jury.
>
> Instead of any of those orders or in addition thereto, the court, after opportunity for hearing, shall require the failing party or the attorney advising the failure to act or both of them to pay the reasonable costs and expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of costs and expenses unjust.

When there are failures of discovery other than those listed in Rule 2-432(a), Rule 2-432(b) provides that a party may file a motion to compel discovery.[10] And

[10] Maryland Rule 2-432(b) provides, in pertinent part, as follows:

> (1) When Available. A discovering party, upon reasonable notice to other parties and all persons affected, may move for an order compelling discovery if
>
> (A) there is a failure of discovery as described in section (a) of this Rule,
>
> (B) a deponent fails to answer a question asked in an oral or written deposition,

Rule 2-433(c) provides that the court may impose sanctions for the failure to obey a motion to comply, as follows:

> (c) **For Failure to Comply With Order Compelling Discovery.** If a person fails to obey an order compelling discovery, the court, upon motion of a party and reasonable notice to other parties and all persons affected, may enter such orders in regard to the failure as are just, including one or more of the orders set forth in section (a) of this Rule. If justice cannot otherwise be achieved, the court may enter an order in compliance with Rule 15-206 treating the failure to obey the order as a contempt.

In *Warehime v. Dell*, 124 Md. App. 31, 54 (1998), this Court explained that Rule 2-433 "contains two separate mechanisms by which a court may levy sanctions against a recalcitrant party." First, a court "may impose sanctions '[u]pon a motion filed under Rule 2-432(a),' if the court 'finds a failure of discovery."' *Id.* (quoting Rule 2-432(a)). In the situation where a party does file a discovery response, but the other side deems it insufficient, the requesting party should file a motion to compel discovery, and in the absence of a failure to obey an order to compel discovery, the court may not impose sanctions. *See id.* at 54. *Accord Bord v. Baltimore Cty.*, 220 Md. App. 529, 569–70 (2014).

> (C) a corporation or other entity fails to make a designation under Rule 2-412 (d),
>
> (D) a party fails to answer an interrogatory submitted under Rule 2-421,
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> (E) a party fails to comply with a request for production or inspection under Rule 2-422,
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> (F) a party fails to supplement a response under Rule 2-401 (e), or
>
> (G) a nonparty deponent fails to produce tangible evidence without having filed written objection under Rule 2-510 (f).

K.M. contends that, because he did not completely fail to respond to the discovery requests, the circuit court could not impose monetary sanctions against him under Rule 2-433(a). We agree.

In *Union Memorial Hosp. v. Dorsey*, 125 Md. App. 275, 289 (1999), this Court held that the circuit court properly denied Union Memorial's request to sanction Ms. Dorsey's incomplete discovery answers because Union Memorial had not first obtained an order to compel further answers. Similarly, here, C.D. requested sanctions prior to obtaining an order to compel, arguing that the discovery K.M. provided was inadequate. Since, however, there was no failure of discovery at the time C.D. made the request, we agree with K.M. that the circuit court could not have imposed monetary sanctions under Rule 2-433(a). *See Bord*, 220 Md. App. at 569–70 (The remedy for '"incomplete or inadequate answer[s]"' to discovery request is limited to a '"motion to compel discovery under section (b)"' of Rule 2-432.) (quoting Paul V. Niemeyer and Linda M. Shuett, *Maryland Rules Commentary* 341 (3d ed. 2003)). And although the court could have imposed monetary sanctions under Rule 2-433(c) if it previously had issued an order to compel, no such order had been issued at the time the court imposed a monetary sanction on K.M.

That is not, however, the end of the inquiry. K.M. does not address Rule 2-433(d), which provides:

> **Award of costs and expenses, including attorneys' fees.** If a motion filed under Rule 2-403, 2-432, or 2-434 is granted, the court, after opportunity for hearing, shall require (1) the party or deponent whose conduct necessitated the motion, (2) the party or the attorney advising the conduct, or (3) both of them to pay to the moving party the reasonable costs and expenses incurred in obtaining the order, including attorneys' fees, unless the court finds that

the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.

Rule 2-433(e) sets forth requirements when requesting attorneys' fees. It provides:

> If a motion or a response to a motion contains a request for an award of costs and expenses, including attorneys' fees, the request shall (1) include, or (2) be separately supported by, a verified statement in conformance with Rule 1-341 (b). With the approval of the court, the party requesting the award may defer the filing of the supporting statement until 15 days after the court determines the party's entitlement to costs and expenses, including attorneys' fees.

Rule 1-341(b), in turn, provides, as follows:

> (1) Generally. A motion requesting an award of costs and expenses, including attorneys' fees, shall include or be separately supported by a verified statement that sets forth the information required in subsections (b)(2) or (b)(3) of this Rule, as applicable.
>
> * * *
>
> (3) Attorneys' Fees. (A) Except as otherwise provided in subsection (b)(3)(B) of this Rule or by order of court,[11] the statement in support of a request for attorneys' fees shall set forth:
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> (i) a detailed description of the work performed, broken down by hours or fractions thereof expended on each task;
>
> (ii) the amount or rate charged or agreed to in writing by the requesting party and the attorney;
>
> (iii) the attorney's customary fee for similar legal services;
>
> (iv) the customary fee prevailing in the attorney's legal community for similar legal services;

[11] Maryland Rule 1-341(b)(3)(B) provides: "Unless otherwise ordered by the court, a statement in support of a request for attorneys' fees not exceeding $500 need not contain the information set forth in subsection (b)(3)(A)(iv) and (v) of this Rule." This provision does not apply here because the circuit court awarded attorneys' fees in the amount of $1,250.

> (v) the fee customarily charged for similar legal services in the county where the action is pending; and
>
> (vi) any additional relevant factors that the requesting party wishes to bring to the court's attention.

K.M. contends that C.D.'s motions to compel and for sanctions did not comply with Rule 2-433(c) or (e), and the court's subsequent sanctions order did not "reflect that the [c]ourt considered the relevant factors before awarding attorney's fees." After a review of the record, we perceive no abuse of discretion by the circuit court.

In the Second Motion to Compel, C.D. included an affidavit in which her counsel attested to: (1) charging C.D. an hourly rate of $250, which was a reduced rate that was "consistent, if not lower than," the customary "rates for representation of clients in domestic relations matters at the time representation commenced" and the "customary rates of other attorneys in Howard County in connection with such matters"; and (2) billing C.D. $250 in attorneys' fees "associated with the filing of [the] Motion."

In the Supplemental (Third) Motion to Compel and for Sanctions, C.D. included an affidavit in which her counsel attested to: (1) charging an hourly rate of $250 in C.D.'s case, which was a reduced rate and "consistent, if not lower than, . . . the customary rates for representation of clients in domestic relations matters at the time representation commenced and consistent with customary rates of other attorneys in Howard County in

connection with such matters"; and (2) charging $1,000 in connection with the filing of the motion. [12]

At the hearing, counsel for C.D. stated that she had incurred expenses to obtain bank statements regarding K.M.'s income, and she was still missing one bank account into which he had been transferring money. She stated that she had asked for K.M.'s business records and had not received any such records regarding his income other than his tax returns. She stated that she had spent five hours trying to get this information, and she had charged C.D. $1,250. She further noted that the court had given K.M. an extension on discovery based on the losses in his family, and he still did not provide the information. She noted that K.M. was asking the court to award him child support, but he was not producing his income information.

Based on the record, we perceive no abuse of discretion by the circuit court in awarding $1,250 in attorneys' fees. And, therefore, there was no error in entering the money judgment against K.M.

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

[12] Counsel introduced an additional affidavit at the hearing indicating that C.D. had accrued another $250 in connection with work related to the Second Motion to Compel and for Sanctions.