

Circuit Court for Prince George's County  
Case No: CAL18-32554

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 452

September Term, 2021

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PATRICIA C. COCKBURN

v.

BEST BUY CO. INC., *et al.*

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

JJ.

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PER CURIAM

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Filed: January 31, 2022

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In September 2018, Patricia C. Cockburn, appellant, filed a complaint in the Circuit Court for Prince George’s County against Best Buy Co. Inc., Best Buy Stores LP (collectively “Best Buy”), and Ronald E. Basso, appellees, alleging two counts of battery and seeking damages. Specifically, Ms. Cockburn alleged in her complaint that Mr. Basso, a Best Buy employee approached her while on Best Buy premises, grabbed her hands and arms, “violently twisting them,” and took the iPhone that she was using to record events within the store. She alleged that this conduct constituted an “intentional harmful and offensive touching.”

Best Buy and Mr. Basso moved for summary judgment, contending that Ms. Cockburn had failed to raise a genuine dispute as to any material fact and that they were entitled to judgment as a matter of law. Ms. Cockburn filed a written opposition thereto. In pertinent part, the appellees alleged that Ms. Cockburn had failed to provide any evidence that there had been an “intentional touching of [her] person,” a necessary element for a claim of battery. In support, the appellees argued that the video surveillance footage taken from the store showed that Mr. Basso had not made any physical contact with Ms. Cockburn at all.

In a ten-page order, the court found that while there was a dispute of fact between the parties, “there [was] no genuine dispute as to any material fact.” (underlining in original). In so finding, the court relied on the video surveillance footage which, it determined, “clearly contradicted” Ms. Cockburn’s version of events. Of the video, the court observed:

It shows that Basso did not lunge at [Ms. Cockburn], he did not beat [Ms. Cockburn], and he did not knock her off balance, nor grab and twist her wrists. The video also shows that Basso did not take [Ms. Cockburn]’s cell phone from her – [Ms. Cockburn] kept it in her hand the entire time.

The court, further, cited the Supreme Court in *Scott v. Harris*, 550 U.S. 372, 380-81 (2007), which states:

When opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment.

On this basis, the court found that there was no genuine dispute of fact and that Best Buy and Mr. Basso were entitled to judgment as a matter of law. Accordingly, the court granted the motion for summary judgment, and entered judgment in favor of the appellees. Ms. Cockburn noted a timely appeal.

In reviewing the grant of summary judgment, this Court must first determine “whether there is a genuine dispute of material fact.” *Duffy v. CBS Corp.*, 458 Md. 206, 217 (2018). “If there is no genuine dispute of material fact, then we review the grant of summary judgment de novo to determine if the hearing judge’s legal conclusions were correct.” *Id.* In doing so, we view the evidence, and all inferences therefrom, in the light most favorable to the nonmoving party. *See Jones v. Mid-Atl. Funding Co.*, 362 Md. 661, 676 (2001).

As this Court has previously stated, in opposing a motion for summary judgment, “the party opposing the motion must show with some precision that there is a genuine dispute as to a material fact, and place before the trial court facts that would be admissible in evidence.” *Mathis v. Hargrove*, 166 Md. App. 286, 300 (2005) (internal quotation marks

and citation omitted). On appeal, therefore, it was necessary for Ms. Cockburn to direct the Court to facts contained within the record which show that there was a genuine dispute of material fact. The recitation of facts in Ms. Cockburn’s brief, however, is completely devoid of any citation to the record in violation of Maryland Rule 8-504(a)(4). As this Court has stated, “[w]e cannot be expected to delve through the record to unearth factual support favorable to [the] appellant.” *Rollins v. Cap. Plaza Assocs., L.P.*, 181 Md. App. 188, 201 (2008). We decline to do so here. Ms. Cockburn, therefore, failed to direct this Court to any portion of the record to support her contention that summary judgment was entered in error.<sup>1</sup> As a result, Ms. Cockburn has failed to argue with particularity that there was any genuine dispute of material fact, nor has she argued with particularity that the circuit court’s entry of judgment constituted error as a matter of law. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal.”).

For the foregoing reasons, we shall affirm.

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

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<sup>1</sup> Though Ms. Cockburn claims that she was denied access to the record by the circuit court, the record has been available for review in this Court since it was transmitted on September 2, 2021. Moreover, the record does not reflect that Ms. Cockburn sought any relief with respect to the purported accessibility issue at any point prior to the submission of the briefs to the Court.