

Circuit Court for Baltimore City  
Case No. 24-C-21-004372

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 475

September Term, 2023

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KIM N. OJO

v.

COWAN SYSTEMS, LLC

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Nazarian,  
Reed,  
Sharer, J. Frederick  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: April 5, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

On November 14, 2018, Kim N. Ojo, appellant, was involved in a motor vehicle accident with a tractor-trailer truck owned by Cowan Systems, LLC, appellee. On October 7, 2021, appellant, filed a *pro se* complaint against appellee for negligence in the Circuit Court for Baltimore City. The court issued a scheduling order on September 20, 2022, which set the pre-trial conference for March 9, 2023, and a trial date for April 12, 2023.

Following the conclusion of discovery, and 12 days before trial, appellant filed a motion to continue on the grounds that “she had no legal counsel” and that she was “in the process of obtaining legal counsel.” She did not provide any information indicating that an attorney had committed to represent her if a continuance was granted. Appellee filed an opposition, noting that she had briefly obtained an attorney prior to the filing of the complaint, that she had “elected to proceed *pro se* until this point,” and that with the trial less two weeks away she “should not now be permitted to delay the trial by claiming that she now, all of a sudden, is in need of an attorney.” The assigned judge in charge of civil matters denied the motion without a hearing. And the trial judge denied her renewed motion to continue on the day of trial. Appellant proceeded to trial *pro se* and following the close of her case-in-chief, the court granted appellee’s motion for judgment. Appellant raises a single issue on appeal: whether the court abused its discretion in denying her motion to continue. For the reasons that follow, we shall affirm.

Maryland Rule 2-508(a) states that “[o]n motion of any party or on its own initiative, the court may continue or postpone a trial or other proceeding as justice may require.” “Under Rule 2-508, the trial court has wide latitude in determining whether to grant a continuance.” *Das v. Das*, 133 Md. App. 1, 31 (2000) (quotation marks and citation

omitted). “Generally, an appellate court will not disturb a ruling on a motion to continue unless discretion is arbitrarily or prejudicially exercised.” *Neustadter v. Holy Cross Hosp. of Silver Spring, Inc.*, 418 Md. 231, 241 (2011) (internal quotation marks and alteration omitted). An abuse of discretion occurs only when “no reasonable person would take the view adopted by the [trial] court, . . . when the court acts without reference to any guiding rules or principles[,] . . . where the ruling under consideration is clearly against the logic and effect of facts and inferences before the court, . . . or when the ruling is violative of fact and logic.” *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (quotation marks and internal citations omitted).

Appellant asserts that the court abused its discretion in denying her motion to continue because she was entitled to obtain legal representation.<sup>1</sup> However, *Serio v. Baystate Props., LLC*, 209 Md. App. 545 (2013) is instructive. In *Serio*, counsel notified Mr. Serio approximately 60 days before trial that she was moving to strike her appearance, but Mr. Serio failed to obtain new counsel until just before trial. *Id.* at 557. At trial, Mr. Serio requested a continuance to give his newly retained counsel time to prepare for trial, because otherwise his counsel would not enter an appearance in the case. However, the trial court denied the motion, finding that it was “not . . . reasonable that Mr. Serio waited until apparently just recently to contact another lawyer” and therefore “to the extent that there might be prejudice to Mr. Serio by proceeding pro se . . . it’s his own fault.” *Id.* We

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<sup>1</sup> We note that appellant claims that she was entitled to the assistance of counsel pursuant to Section 3-8A-20 of the Courts and Judicial Proceedings Article. However, that statute is inapplicable to this case as it deals with a party’s right to counsel in certain juvenile proceedings.

affirmed that ruling, holding that the court had not abused its discretion in denying the motion to continue.

Here, the accident in question occurred in 2018, appellant filed her complaint in 2021, and the court issued its scheduling order in September 2022. Thus, appellant had more than four years from the date of the accident, 17 months after she filed her complaint and 6 months from the date of the scheduling order to obtain counsel if she so desired. However, she did not claim that she needed to obtain the assistance of legal counsel until 12 days before the scheduled trial. Moreover, she did not indicate that there had been some surprise or unforeseen event in the proceedings which had now caused her to seek counsel. Finally, in her motion, she did not provide any information from which the court could conclude that counsel had committed to represent her in the event that a continuance was granted. Given the age of the case, the fact that appellant had been unrepresented for a lengthy period of time without retaining counsel, and the non-specific nature of appellant's claim regarding the need for representation, we cannot say that the court abused its discretion in denying the motion. Consequently, we shall affirm the judgment.

**JUDGMENT OF THE CIRCUIT  
COURT FOR BALTIMORE CITY  
AFFIRMED. COSTS TO BE PAID  
BY APPELLANT.**