Circuit Court for Baltimore City
Case No. C-24-CV-25-002840

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 500

September Term, 2025

TIERON MACKINNON

v.

ROOT INSURANCE

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 2, 2025

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

Tieron Mackinnon, appellant, appeals from an order, issued by the Circuit Court for Baltimore City, dismissing with prejudice his complaint against Root Insurance, appellee. He raises 15 issues on appeal, which reduce to one: whether the court erred in granting the motion to dismiss. For the reasons that follow, we shall affirm.

On April 9, 2025, appellant, filed a complaint against appellee, raising a claim of "Bad Faith Insurance Practices." Specifically, the complaint alleged that appellant had been injured in a traffic accident caused by the negligence of an individual who was insured by appellee. Appellant contended that appellee had acted in bad faith in resolving his claim against its insured by: (1) denying his request for a rental car; (2) failing to conduct a prompt investigation; and (3) "[d]elaying settlement for 10 months before offering a fraction of the damages[,]" despite having "accepted responsibility for the accident in question[.]" Appellee filed a motion to dismiss, asserting that appellant was prohibited from filing a direct action against it because there had been no judgment against its insured. Appellee further argued that bad faith claims against an insured were only permitted when they involved first-party claims. On May 6, 2025, the court granted appellee's motion to dismiss without a hearing. This appeal followed.

Under Maryland law, an injured claimant may not bring a direct action against the alleged tortfeasor's liability insurer to litigate the matter of the insured's tort liability until there has been a verdict or judgment in a tort action against the insured. *Harford Mut. Ins. Co. v. Woodfin Equities Corp.*, 344 Md. 399, 413 (1997). And because appellant has not sued appellee's insured, no verdict or judgment against the insured party has been rendered. Moreover, contrary to appellant's claim on appeal, Section 27-1001 of the Insurance

Article did not authorize him to raise a cause of action for bad faith against appellee, as it only relates to actions filed pursuant to Section 3-1701(b) of the Courts and Judicial Proceedings Article. In turn, § 3-1701(b) only authorizes "first party claims" against an insurer for bad faith. And even in those instances a cause of action does not accrue "prior to the entry of a judgment against the insured in excess of policy limits." *Allstate v. Campbell*, 334 Md. 381, 397 (1994). In short, because appellant is not the insured, and has not secured a judgment against the tortfeasor, he could not raise a claim of "bad faith" against appellee.[1] Consequently, the court did not err in granting appellee's motion to dismiss.[2]

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

[1] The fact that appellee may have accepted liability in settlement negotiations does not mean that their refusal to settle appellant's claim for the amount he requested means that appellee acted in bad faith. And even if it did, that does not alter the fact that Maryland law does not authorize a cause of action for bad faith by a third party against an insurer until a verdict or judgment has been rendered.

[2] Appellant summarily claims that, in granting the motion to dismiss, the court deprived him of his due process rights and right to a jury trial. Both claims lack merit. The core procedural due process rights are (1) notice, and (2) a right to heard. *Roberts v. Total Health Care, Inc.*, 349 Md. 499 (1998). And the record indicates that appellant had notice of the motion to dismiss and was provided an opportunity to file an opposition, that was then considered by the court. Under the circumstances, it was all the process that was required. Moreover, because appellant's complaint failed to state a cause of action for which relief could be granted, he was not entitled to a jury trial.