

Circuit Court for Prince George's County
Case No.: C-16-CV-23-004509

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 544

September Term, 2025

KAMITA GRAY

v.

THE ESTATE OF LEVATA SNOW, *et al.*

Friedman,
Kehoe, S.,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 4, 2026

*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.

In September 2023, Carolyn Gray (“Decedent”) sued the appellees Maryland National Capital Park and Planning Commission (“the County”), the Estate of Levata Snow, and AEB Properties, LLC, in the Circuit Court for Prince George’s County, seeking injunctive relief. Decedent’s claims stemmed from the County’s installation of a culvert pipe across the street from her property that caused increased water flow onto it, leading to erosion.

In December 2024, appellant Kamita Gray moved to intervene in the proceedings, claiming that she had a vested interest in Decedent’s property as a joint tenant with right of survivorship. A few weeks later, Gray filed a Notice of Death, informing the court of Decedent’s passing. She did not initially indicate the date of death but later supplemented the notice, disclosing that the Decedent had died on August 12, 2024, and requesting to be substituted as a party in Decedent’s place. *See* Md. Rule 2-241. The County opposed Gray’s motion to intervene, moved to strike her substitution, and moved to dismiss the case.

After a hearing in March 2025, the court deferred on the parties’ motions to allow Gray to open an estate for Decedent. When she had not done so by a second hearing a month later, the court denied Gray’s motion to intervene as untimely, struck her substitution, and dismissed the case. This appeal followed.

On appeal, Gray argues that the circuit court erred in denying her motion to intervene.¹ Maryland Rule 2-214 authorizes a party to intervene as of right “[u]pon timely

¹ As best we can tell, Gray does not take issue with the court striking her substitution. In any event, it did not err in doing so because Gray was not a “proper person” to be substituted since she had not been designated as Decedent’s personal representative. *See*

motion[.]” “Resolution of the timeliness question is dependent upon the individual circumstances of each case and rests in the sound discretion of the trial court, which, unless abused, will not be disturbed on appellate review.” *Sornberger v. Chesapeake and Ohio Ry. Co.*, 81 Md. App. 14, 24 (1989) (cleaned up). In assessing the timeliness of an intervention motion, a court takes into account:

- (1) the purpose for which intervention is sought;
- (2) the probability of prejudice to the parties already in the case;
- (3) the extent to which the proceedings have progressed when the movant applies to intervene; and
- (4) the reason or reasons for the delay in seeking intervention.

Md. Radiological Soc’y, Inc. v. Health Servs. Cost Rev. Comm’n, 285 Md. 383, 388–89 (1979).

Here, Gray did not move to intervene until more than four months after Decedent had died—which was more than a year after the case was initiated, despite Gray knowing about the action since it was filed. Moreover, although the motion asserted that she was a joint tenant of the property, she did not initially provide any evidence establishing her status as a joint tenant. Gray later revealed that she was not a joint tenant at the time that Decedent filed suit; she became one shortly before Decedent’s death. Further, under the scheduling order, discovery was set to close less than 30 days after Gray’s motion was filed, with trial scheduled around a month later. Although Gray claimed that her delay in seeking

Md. Rule 2-241(a); Md. Code Ann., Est. & Trusts § 7-401(y)(1). As a result, because no substitution was properly made, the court was permitted the dismiss the action. Md. Rule 2-241(d).

intervention was caused by Decedent’s former attorney, the court found that, even if true, this did not outweigh the substantial probability of prejudice to the parties already in the case. Under the circumstances, the court did not abuse its discretion in denying Gray’s intervention motion. Accordingly, we shall affirm the judgment.

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