

Circuit Court for Prince George's County
Case No.: C-16-CV-24-003064

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 798

September Term, 2025

KIMBERLY LAJUAN SMITH

v.

TIFFANY L. MORRIS

Arthur,
Shaw,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 24, 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 June 2024, Appellee Tiffany L. Morris sued her aunt, Appellant Kimberly Lajuan Smith, in the Circuit Court for Prince George’s County, alleging conversion and tortious interference with a gift or inheritance. Morris’s claims stemmed from Smith’s withdrawal of funds from a joint bank account that Morris inherited by right of survivorship upon the death of her grandmother (Smith’s mother).

Morris propounded discovery requests upon Smith on March 7, 2025. When Smith failed to answer, Morris moved to compel Smith’s discovery responses. Smith did not oppose the motion, and the court granted it on May 13. The court gave Smith until May 20 to provide her discovery responses. She did not do so.

The parties appeared for trial on June 11. At the outset, the court granted Morris’s oral motion for sanctions concerning Smith’s discovery failure. The court barred Smith from presenting any evidence that would have been responsive to a discovery request, though she was permitted to cross-examine Morris. In the end, the court entered a judgment in favor of Morris and against Smith in the amount of \$39,254. The court later entered a written order embodying the judgment, and this appeal followed.

On appeal, Smith does not dispute the merits of the judgment. She contends only that the trial court erred by preventing her from presenting evidence.¹ We disagree.

Trial courts “are vested with great discretion in applying sanctions for discovery failures.” *Rodriguez v. Clarke*, 400 Md. 39, 56 (2007). *See also* Md. Rule 2-433.

¹ Smith also argues that Morris’s claims were barred by *res judicata*. She did not argue this before the trial court and so has failed to preserve the issue for our review. *See* Md. Rule 8-131(a).

Accordingly, we review discovery orders for an abuse of discretion. *Rodriguez*, 400 Md. at 57. “An abuse of discretion occurs where no reasonable person would take the view adopted by the [trial] court, when the court acts without reference to any guiding rules or principles, or when the court’s ruling is clearly against the logic and effect of facts and inferences before the court.” *State v. Alexander*, 467 Md. 600, 620 (2020) (cleaned up).

In essence, Smith argues that the trial court should have excused her discovery failure because she is a *pro se* litigant. In Maryland, however, “the procedural, evidentiary, and appellate rules apply alike to parties and their attorneys. No different standards apply when parties appear *pro se*.” *Tretick v. Layman*, 95 Md. App. 62, 86 (1993). Although we sympathize with *pro se* litigants, “we also need to adhere to procedural rules in order to maintain consistency in the judicial system.” *Pickett v. Noba, Inc.*, 114 Md. App. 552, 554–55 (1997).

Trial courts consider the following factors before imposing discovery sanctions under Maryland Rule 2-433:

- (1) whether the disclosure violation was technical or substantial;
- (2) the timing of the ultimate disclosure;
- (3) the reason, if any, for the violation;
- (4) the degree of prejudice to the parties respectively offering and opposing the evidence;
- and (5) whether any resulting prejudice might be cured by a postponement and, if so, the overall desirability of a continuance.

Hossainkhail v. Gebrehiwot, 143 Md. App. 716, 725–26 (2002).

Here, Smith was ordered to produce discovery, did not do so, and admitted to the failure to provide discovery as ordered on the record. The disclosure violation was substantial and, indeed, there was no ultimate disclosure. *See Valentine-Bowers v. Retina*

Grp. of Wash., P.C., 217 Md. App. 366, 380–82 (2014) (noting that disregard of “basic discovery” requests and deadlines “constitutes a ‘substantial violation’”). The trial court acknowledged that Smith’s discovery failure was not willful, but it concluded that allowing Smith to present undisclosed evidence would unfairly prejudice Morris. On this record, we cannot say that “no reasonable person would take the view adopted by the [trial] court[.]” *Alexander*, 467 Md. at 620 (cleaned up). Consequently, the court did not abuse its discretion in barring Smith from presenting evidence as a sanction for her discovery failure.

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