

Circuit Court for Baltimore County
Case No. C-03-FM-20-003536

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 851

September Term, 2022

DORQUINA CLINE

v.

DORIS CLINE

Wells, C.J.,
Shaw,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 24, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Dorquina Cline, appellant, is the daughter of Doris Cline, appellee. In September 2020, appellee filed a Petition for Grandparent Access and Visitation in the Circuit Court for Baltimore County, requesting the court to allow her visitation with appellant’s minor child, as well as to be named a de facto parent of that child. A trial date was ultimately set for July 7, 2022.

Approximately one month before trial, appellant filed a “Motion for Sanctions and Second Motion to Compel Discovery,” claiming that appellee had failed to respond to her Request for Production of Documents. As relief, appellant requested an order either dismissing the action with prejudice or prohibiting appellee from introducing certain evidence at trial. Appellant also requested an order requiring either appellee or appellee’s counsel to pay her attorney’s fees. Appellee filed an opposition. On June 28, 2022, the court entered an order granting the motion to compel discovery “[a]s to any documents which were properly requested by [appellant] and not produced by [appellee].” The order further indicated that any decision regarding whether sanctions were warranted would be “reserved for a determination by the trial judge.”

On the morning of trial, appellee’s counsel informed the court that appellee had instructed him to dismiss the case. Counsel further informed the court that appellee had “no intention of filing [a new action] this afternoon, next week, next month or next year.” Appellant’s counsel objected to the dismissal unless it was with prejudice. However, counsel did not request the court to rule on her pending motion for sanctions or to award attorney’s fees on any other basis. The court ultimately ordered that the case be “dismissed, but not dismissed without prejudice.” This appeal followed.

On appeal, appellant first contends that the court erred in not addressing her motion for sanctions.¹ But she has waived her right to raise this issue on appeal as she did not bring that pending motion to court’s attention prior to the case being dismissed. *See Malarkey v. State*, 188 Md. App. 126, 156 (2009) (“A party cannot complain about the court’s failure to rule on a pending motion unless it has brought [it] to the attention of the trial court.” (internal quotation marks and citation omitted)); *White v. State*, 23 Md. App. 151, 156 (1974) (noting that a party must bring a pending motion “to the attention of the trial court” to preserve the issue for appeal).

Appellant also asserts that she should be reimbursed for “attorney fees from [appellee], which have amassed to \$14,700” because appellee’s “lawsuit was made in bad faith, and lacked any arguable basis in law and fact[.]” However, this issue is not properly before us as appellant did not raise it in the circuit court. *See* Maryland Rule 8-131(a) (noting that generally an appellate court will not decide an issue “unless it plainly appears

¹ In her brief, appellant sets forth her first issue as follows: “Multiple hearings and trial were scheduled despite [appellee] not responding to Motion to Compel or providing any documentation supporting her claims.” While that may be true, this does not identify a cognizable claim or error by the circuit court that can be corrected on appeal. We further note that appellant briefly asserts that “no judgment was issued” in the case. However, the court’s order dismissing the case constituted a final judgment on the merits.

by the record to have been raised in or decided by the trial court”).² Consequently, we shall affirm the judgment of the circuit court.

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

² Such a claim must ordinarily be raised in a motion for costs and attorney’s fees pursuant to Maryland Rule 1-341.