Circuit Court for Baltimore County
Case No. C-03-CV-22-005181

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 910

September Term, 2024

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ERICA WOLFF

v.

GREGORY DANSLER REDMON

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Nazarian,
Beachley,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Beachley, J.

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Filed: September 9, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Appellant, Erica Wolff, Individually and as Mother of C.W.,[1] a Minor, appeals the Circuit Court for Baltimore County's grant of summary judgment in favor of appellee Gregory Redmon.[2] Appellant presents the following question for appellate review:

> Did the trial court err as a matter of law when it granted [appellee's] motion for summary judgment asserting that appellant's claim was barred by contributory negligence due to the application of the Boulevard Rule, where appellee was stopped at a traffic signal and appellant was exiting an alley into the intersection where appellee was stopped for a traffic light?

We discern no error and therefore affirm.

## FACTUAL AND PROCEDURAL BACKGROUND

The pertinent facts are not in dispute. On January 6, 2020, appellee stopped his vehicle at a red traffic light on Holabird Avenue at the intersection of Snyder Avenue in Dundalk, Maryland. Holabird Avenue runs east and west; appellee was in the westbound lane of travel and was the first vehicle in line at the red light. Snyder Avenue runs north and south, but it terminates in a "T" intersection at Holabird Avenue (to appellee's right as he waited at the red light). C.W. was riding his bicycle in an alley that also terminates at and is perpendicular to Holabird Avenue (to appellee's left as he waited at the red light). The intersection of the alley and Holabird Avenue is not controlled by any traffic device, nor is there a crosswalk from the alley across Holabird Avenue to Snyder Avenue.

As he approached the intersection with Holabird Avenue, C.W. dismounted his

[1] Because appellant's son was a minor at the time of the accident, we identify him only by initials. We intend no disrespect in doing so.

[2] In 2021, appellee legally changed his name to Mordecai Israel.

bicycle and walked a short distance to the east to obtain a clear view of the traffic light controlling traffic on Holabird Avenue. After he saw that the light controlling traffic on Holabird Avenue was red and that the intersection was clear, C.W. proceeded from the alley into the eastbound travel lane on Holabird with the intention of crossing Holabird's westbound lane and continuing north onto Snyder Avenue. As C.W. crossed Holabird Avenue, the traffic light controlling westbound traffic turned green. Observing the green signal, appellee proceeded through the intersection. Shortly after entering the intersection, C.W.'s bicycle and appellee's vehicle collided.[3] Appellee stated in his answers to interrogatories that he did not see C.W. prior to impact and that he was traveling at 1-2 miles per hour at the time of the collision. At his deposition, C.W. could not identify any action that appellee could have taken to avoid the collision.

On these facts, the circuit court granted summary judgment in favor of appellee, determining that appellant's tort claim for C.W.'s damages was barred as a matter of law.

**STANDARD OF REVIEW**

The circuit court's grant of summary judgment is reviewed *de novo*. *Dett v. State*, 161 Md. App. 429, 441 (2005). "In deciding a motion for summary judgment, the circuit court must determine two legal issues: 1) whether there is a genuine dispute of material fact and 2) if not, whether the moving party is entitled to summary judgment as a matter of law." *Id*. at 440. "An appellate court reviews without deference a trial court's grant of a

[3] C.W. maintained that he was hit by appellee's vehicle. Appellee, on the other hand, stated that C.W.'s bicycle hit the driver's side of his vehicle. The slight difference in these two accounts does not affect the outcome of this appeal.

motion for summary judgment, reviews the record in the light most favorable to the nonmoving party, and construes any reasonable inferences that may be drawn from the facts against the moving party." *Oglesby v. Balt. Sch. Assocs.*, 484 Md. 296, 327 (2023) (quoting *State v. Rovin*, 472 Md. 317, 341 (2021)). Because we review the trial court's decision to grant or deny a motion for summary judgment without deference, "[w]e conduct the same analysis that a trial court should make when considering the motion for judgment." *District of Columbia v. Singleton*, 425 Md. 398, 407 (2012) (citing *Thomas v. Panco Mgmt. of Md., LLC*, 423 Md. 387, 394 (2011)).

**DISCUSSION**

This case involves application of the Boulevard Rule, codified at Md. Code (1977, 2020 Repl. Vol.), §§ 21-403 and -404 of the Transportation Article ("TA"). Because C.W. was attempting to cross Holabird Avenue from an alley, TA § 21-404(a) and (b) apply here:

> (a) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall stop.
>
> (b) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall yield the right-of-way to any other vehicle approaching on the highway.

Appellant contends that the Boulevard Rule does not apply here because appellee was stopped at a red light when C.W. entered the intersection. Appellant posits that "<u>both</u> vehicles had a duty to stop and yield; however [a]ppellee's duty was to remain stopped at the red light until it changed to green . . . while [C.W.'s] duty was to stop and yield only to vehicles <u>approaching</u> the roadway, not stopped at a light on the roadway[.]" (Emphasis in

original). Appellee naturally asserts that the Boulevard Rule applies and therefore bars appellant's negligence action as a matter of law. As we discuss below, we agree with appellee.

Two other statutes are relevant to this case. The first is TA § 21-705, which provides:

> (a) The driver of a vehicle emerging from an alley, driveway, or building shall stop immediately before driving onto a sidewalk or onto the sidewalk area that extends across the alley, driveway, or building exit.
>
> (b) The driver of a vehicle emerging from an alley, driveway, or building shall yield the right-of-way to any pedestrian.
>
> (c) The driver of a vehicle emerging from an alley, driveway, or building shall on entering the roadway, yield the right-of-way to any other vehicle approaching on the roadway.
>
> (d) The driver of a vehicle entering an alley, driveway, or building shall yield the right-of-way to any pedestrian.

Various other sections in the Transportation Article provide similar rules for other specific situations. *See, e.g.*, TA § 21-404.1(a) ("The driver of a vehicle about to enter or cross any other part of a highway from a crossover, whether or not sign posted, shall yield the right-of-way to any other vehicle approaching on that part of the highway."). Each of these statutes are iterations of the Boulevard Rule, which "imposes a duty upon a driver entering or crossing a highway from another highway, private roadway, driveway, or other place to stop and yield the right-of-way to any through traffic on the highway." *Barrett v. Nwaba*, 165 Md. App. 281, 290 (2005) (citing *Wash. Metro. Area Transit Auth. v. Seymour*, 387 Md. 217, 227 (2005)).

The second statute relevant to this appeal is TA § 21-202, which provides in part:

> (b) Vehicular traffic facing a circular green signal may proceed straight through or, unless a sign at the place prohibits the turn, turn right or left.
>
> (c) Vehicular traffic described under subsection (b) of this section, including any vehicle turning right or left, shall yield the right-of-way to any other vehicle and any pedestrian lawfully within the intersection or an adjacent crosswalk when the signal is shown.

Appellant's argument is essentially that the requirement in TA § 21-202(c) that a vehicle facing a green light yield the right of way to other vehicles lawfully in the intersection supersedes TA § 21-705(c) and the Boulevard Rule's requirement that a driver of a vehicle emerging from an alley yield the right of way to vehicles approaching on the roadway.

*Oddis v. Greene*, 11 Md. App. 153 (1971), is instructive, particularly because this case involved a collision between a bicyclist entering a favored highway and a car traveling on the favored highway. The *Oddis* Court succinctly recited the relevant facts:

> The accident occurred at the intersection of Democracy Boulevard and Bells Mill Road in Montgomery County. It was shown that Democracy Boulevard was a six lane east-west highway divided by a median strip. At the intersection there were also two "left turn only" storage lanes. Bells Mill Road was a two-way divided street running north and south. There was a stop sign on Bells Mill Road controlling traffic proceeding northerly and entering Democracy Boulevard. Thus Democracy Boulevard was a favored highway and Bells Mill Road was an unfavored intersecting street on which traffic was required to stop by a traffic control device—a stop sign—and to yield right of way to traffic approaching on the favored highway. This was the first of the two physical factors necessary for the application of the Rule. On a clear Saturday morning the minor approached this intersection on his bicycle, proceeding northerly on Bells Mill Road. He testified he came to a stop at the stop sign, placing one foot on the curb, and looked to see if there were any vehicles approaching eastbound on Democracy Boulevard. He said he saw some traffic at a distance, but thought it was far enough away to allow him to travel in safety to the median strip, where he usually stopped again before proceeding across the west bound lanes. He entered the intersection onto Democracy Boulevard and when only about seven feet from the south curb was struck by appellee's automobile which was traveling east on

> Democracy Boulevard. He stated that he saw the automobile only a split second before the collision. Thus the collision occurred as a direct consequence of the entrance of a vehicle onto a favored highway in disregard of its obligation to yield the right of way. This was the second of the physical factors necessary for the application of the Rule.
>
> Appellee entered Democracy Boulevard about two blocks west of Bells Mill Road. There were five small children in her automobile. She was going about 25 to 30 miles an hour in a 35 mile per hour zone and as she approached Bells Mill Road she did not see the minor until he suddenly appeared pedalling his bicycle into the street in front and slightly to the right of her. She believed she saw him just before the impact. The right front corner of her automobile and the front wheel of the bicycle collided. A police officer estimated that the back wheel of the bicycle was only about 2 feet into the intersection. She stopped the car within 50 feet of the point of impact; there were no skid marks. The police officer estimated from this that she was driving about 22-23 miles an hour. He said at 30 miles an hour a panic stop with average reaction time would be 88 feet. Appellee testified that the children in the car were just talking at the time of the accident and did not distract her. She was aware of a football game being played near the intersection because of the noise. The police officer testified that after the accident appellee told him she had not seen appellant because she may have been momentarily distracted by the game and that her vision could have been blocked by the parked cars. At trial she positively denied that the football game attracted her attention and said her view was obstructed by two cars parked along the south curb of Democracy Boulevard. The officer said there was only one car about 40 feet from the intersection. A witness said there was another about 10-15 feet from the intersection. The officer stated in his report that "apparently the parked vehicle had blocked the vision" of appellee and the minor.

*Id.* at 155-57 (footnotes omitted). The Court noted that "[t]he case presents a classic example of the application of the 'Boulevard Rule.'" *Id.* at 154-55. Applying the Rule, the Court held that "the motor vehicle law imposed on the minor as the unfavored driver, the absolute duty to stop, which he did, and the absolute duty to yield the right of way, which he did not." *Id.* at 157. Accordingly, the Court held that the minor bicyclist was negligent as a matter of law. *Id.* at 157-58.

*Cooper v. Allen*, 243 Md. 9 (1966), is also instructive. The accident there occurred in the intersection of "unfavored Richwood Avenue with the favored York Road." *Id.* at 10. Richwood Avenue was a one-way westbound street ending at York Road. *Id.* Traffic on Richwood was controlled by a stop sign. *Id.* at 11. York Road, "a boulevard street" had two northbound and two southbound lanes. *Id.* at 10-11. South of the intersection with Richwood Avenue, York Road intersected with Coldspring Lane. *Id.*

The Court recounted the respective versions of Allen and Cooper:

> According to Henry Allen, the unfavored driver, he stopped his pick-up truck when he reached the Richwood-York intersection in obedience to the stop sign. He looked to his left (*i.e.*, to the south) and observed that the traffic signal at the York-Coldspring intersection was red for traffic on York Road. He then looked to his right (*i.e.*, to the north) and saw no traffic coming south on York Road. Upon checking again and seeing that the northbound traffic on York Road had stopped for the traffic signal at Coldspring Lane, he entered the Richwood-York intersection and proceeded to cross it in order to get into a southbound lane of York Road. While he was still in the intersection, and before he had gotten more than about half way across, the truck was struck broadside by Cooper who was driving his automobile north on York Road.
>
> According to Cooper, he stopped for the Coldspring-York traffic signal and when it turned green he proceeded north on York Road at about twenty to twenty-five miles an hour. He was about twenty feet from the Richwood-York intersection when he first saw the Allen truck in his path. Although he applied his brakes, he was unable to stop in time to avoid the accident.

*Id.* at 11. A witness, who had been stopped in the outside northbound lane next to Cooper, testified that "the Allen truck [was] coming slowly out of Richwood Avenue as the signal was changing from red to green and while the northbound York Road traffic was still motionless." *Id.* The witness stated that Cooper "took off at a high rate of speed when the

signal turned to green and was traveling forty-five to fifty miles an hour when he struck [Allen's] truck" near the center of York Road. *Id.* It was stipulated that the distance on York Road between Richwood Avenue and Coldspring Lane was 150 feet. *Id.*

On these facts, the Supreme Court concluded that Allen was contributorily negligent as a matter of law. *Id.* at 14. Specifically, the undisputed facts showed "that Allen was entering a boulevard highway from an unfavored one controlled by a stop sign; that he did not yield the right of way to Cooper and a collision resulted; that the accident occurred within the intersection; and that no question of last clear chance is raised on appeal." *Id.* The Court summarized the Boulevard Rule:

> a driver who enters, from an unfavored highway, an intersection with a favored boulevard or arterial highway where there are no traffic controls must yield the right of way to all the traffic he finds there during the entire time he is there. If he does not, and a collision results, he is at fault and cannot recover against the other driver unless the doctrine of last clear chance enters the case. So far as his rights as a plaintiff are concerned, it makes no difference what the other party does in the first instance. He is negligent because he has not yielded the road. Being negligent himself, his action is barred.

*Id.* at 13-14 (quoting *Shedlock v. Marshall*, 186 Md. 218, 235 (1946)).

The General Assembly mitigated slightly the harshness of the Boulevard Rule when it revised the definition of "right-of-way" in 1971. *Barrett*, 165 Md. App. at 292. This change "protected the favored driver only when operating in a lawful manner [and] eased the sometimes harsh effects of an absolute application of the boulevard rule by relieving an unfavored driver of liability where the evidence established that the favored driver's unlawful conduct was a proximate cause of the collision." *Id.* (citing *Mallard v. Earl*, 106

Md. App. 449, 457 (1995)). To receive the benefit of the exception, a party must show "that the favored driver could have avoided the accident if he had been operating lawfully and with due care[.]" *Id.* at 293. Proximate causation is then determined by the fact finder. *Id.*

Based on the applicable caselaw, we conclude that C.W. was contributorily negligent as a matter of law when he entered the favored roadway from the unfavored alley and failed to yield the right of way to appellee as the traffic light turned green. C.W. was required to yield to traffic on Holabird Avenue "during the entire time he [was] there." *See Cooper*, 243 Md. at 13 (quoting *Shedlock*, 186 Md. at 235). As is clear from *Cooper*, C.W.'s duty to yield extends to vehicles that were stopped at a traffic light prior to C.W.'s entry onto the road.

Appellant briefly argues that appellee violated TA § 21-202 by not yielding to C.W. before entering the intersection when the light turned green. However, the record evidence provided no indication that appellee "could have avoided the accident[.]" *See Barrett*, 165 Md. App. at 293 (quoting *Dennard v. Green*, 335 Md. 305, 314 (1994)). Indeed, the undisputed facts are that appellee did not see C.W. prior to the collision and C.W. could not identify any way in which appellee could have avoided the collision. In short, there was no evidence "that the favored driver [appellee] could have avoided the accident if he had been operating lawfully and with due care." *Id.* (quoting *Dennard*, 335 Md. at 314).[4]

Because the Boulevard Rule applies to the facts of this case, C.W. was contributorily

[4] Appellant makes no argument that the doctrine of last clear chance applies.

negligent as a matter of law. We therefore affirm the circuit court's grant of summary judgment.

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