

Circuit Court for Baltimore County
Case No. C-03-CV-24-004459

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1013

September Term, 2025

CARVET MCDONALD

v.

MEGAN ELISE GORNET, M.D., *et al.*

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 2, 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.

On November 26, 2024, Carvet McDonald, appellant, filed a malpractice action in the Circuit Court for Baltimore County against Megan E. Gornet, M.D., and Howard Zacur, M.D., appellees, arising from a medical procedure that occurred in October 2021. The court granted appellees’ motion to dismiss, with prejudice, finding that: (1) appellant’s claim was barred by the statute of limitations, and (2) appellant had failed to comply with the mandatory requirements of the Health Care Malpractice Claims Act (HCMCA) because she did not file a claim in the Health Care Alternative Dispute Resolution Office or submit a Certificate of Qualified Expert. On appeal, appellant claims that the court erred in dismissing her complaint “with prejudice.” For the reasons that follow, we shall affirm.

On appeal, appellant contends that the court erred in dismissing her complaint with prejudice because her failure to comply with the HCMCA was a “jurisdictional defect, not a merits determination[,]” and therefore “curable.” We need not resolve this contention, however, because appellant does not address on appeal the alternative grounds that the court relied on to dismiss the complaint, specifically that it was barred by the statute of limitations. In *Bailiff v. Woolman*, 169 Md. App. 646 (2006), this Court held that when the appellant failed to challenge one of the two grounds for the circuit court’s decision in his brief, he waived any claim of error with respect to that issue. *Id.* at 653. We further held that, having waived the issue, affirmance was required if the unraised ground “provided an adequate and independent basis for the circuit court’s decision[.]” *Id.* at 654.

Here, appellant’s brief does not address the circuit court’s findings regarding the statute of limitations. And the failure to file a claim within the applicable statute of

limitations is an adequate ground to support the dismissal of a complaint with prejudice.

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.**