Circuit Court for Harford County
Case No. 12-C-17-001871

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1091

September Term, 2018

RUTH COBB

v.

GIN-BOB, INC., ET AL.

Fader, C.J.,
Kehoe,
Berger,

JJ.

Opinion by Fader, C.J.

Filed: October 22, 2019

Ruth Cobb, the appellant, sued Gin-Bob, Inc. and LCBDM LLC, the appellees, for damages after she was badly injured in a fall while exiting a store.[1] The Circuit Court for Harford County granted summary judgment in favor of Gin-Bob and LCBDM, reasoning that Ms. Cobb had not shown that her injuries were caused by the appellees' negligence. Ms. Cobb appeals, arguing that the circuit court improperly "tried the case at the summary judgment hearing" by resolving "disputed material fact[s]." We disagree: Ms. Cobb failed to set forth a prima facie case that her injuries were caused by the appellees' conduct or that there was any defect in the store's door. Because Gin-Bob and LCBDM were entitled to judgment as a matter of law, we affirm the judgment of the circuit court.

BACKGROUND

The Summary Judgment Record

On March 24, 2017, Ms. Cobb, then 84 years old, visited The Whiteford Business Center, Etc. ("Whiteford Business Center"), a store that provides shipping, copying, and office supply services out of a strip mall in Harford County. Gin-Bob trades as the Whiteford Business Center, and LCBDM owns the strip mall at which the store is located.

In the proceedings before the circuit court, Gin-Bob's president, Jack Whitmer, was the only witness who testified about the incident from which this litigation arose. According to Mr. Whitmer—who was working at the Whiteford Business Center that day—Ms. Cobb had come to make three copies of a scrapbook for her children. After Ms. Cobb received the copies of her scrapbook, she "backed out the door" to the Whiteford

[1] The parties inconsistently refer to Ruth Cobb as "Ms. Cobb" or "Mrs. Cobb." We will refer to her as "Ms. Cobb," the title by which she generally is called in her own papers.

Business Center with "her hands full." Shortly thereafter, Mr. Whitmer found Ms. Cobb lying on the ground. Mr. Whitmer did not see Ms. Cobb fall, but "ran out" to her after he saw her on the ground and "helped her up." He "asked her if she was okay" and "if she wanted other help," but "she refused that." Mr. Whitmer also recalled that Ms. Cobb "said that she must be an old klutz, and she was glad that she swam every day." After Mr. Whitmer "helped [Ms. Cobb] up" and "[h]elped her get her glasses and her materials picked up, . . . [s]he got in her car and left."

Ms. Cobb "do[es] not remember" why she went to the Whiteford Business Center that day, nor does she "remember anything about the accident" or the events surrounding it.[2] Although she remembers having "been told" about the incident, she "do[es]n't recall the person who told [her] . . . or . . . the details." Mr. Whitmer recalled that one other

[2] Ms. Cobb argues that in resolving this appeal we should not consider her deposition testimony, and in particular, her admission that she had no recollection of the incident. She contends that her deposition is not properly part of the summary judgment record because (i) "only one page of [the] deposition" was attached to Gin-Bob's memorandum in the circuit court, (ii) that page was "not certified by a court reporter as accurate," and (iii) "[i]n its ruling the [c]ircuit [c]ourt did not consider Ms. Cobb's deposition testimony." In fact, though, the circuit court repeatedly referred at the hearing to Ms. Cobb's statements during her deposition, and in particular to her inability to "remember how [the accident] happened." Ms. Cobb did not object to the court's consideration of her deposition at that time, nor did she seek to "introduce . . . any other part" of her deposition as permitted by Rule 2-419(b). As a result, "any 'error' . . . of which [s]he complains has been waived." *Benedetto v. Balt. Gas & Elec. Co.*, 30 Md. App. 171, 174 (1976). Moreover, "[t]his deposition was appellant's own, and both [s]he and [her] counsel were fully aware of its contents" and could assess the accuracy of the transcript. *Id.* In such circumstances, the absence of the court reporter's certification was harmless. *See id.* at 174-75.

customer was in the store at the time Ms. Cobb fell, but nobody involved with the case appears to have spoken to him about the incident.

Unfortunately, Ms. Cobb's injuries were more serious than they initially appeared. Two days after the fall, Ms. Cobb was hospitalized with a "very large acute subdural hematoma,"[3] consistent with having fallen and struck her head. She required emergency surgery to "evacuate[]" the hematoma and relieve "the pressure on the brain." As a result of the hematoma, Ms. Cobb suffered "traumatic brain injury" and "cognitive deficits." She now experiences "moderate to severe cognitive impairment," which includes "memory issues." "She cannot monitor her medications," she "ha[s] trouble recalling the birthdays of [her] children," and she no longer can cook or "live independently."

Procedural History

Ms. Cobb filed a complaint against Gin-Bob and LCBDM, alleging that her injuries were caused by their negligence. Specifically, the complaint alleges that, while Ms. Cobb exited the Whiteford Business Center on the day of the accident, "the door suddenly and without warning flung open causing [Ms. Cobb] to fall and smack her head and body onto the concrete sidewalk directly outside the door." Ms. Cobb alleged in the complaint that

[3] A subdural hematoma is one type of intracranial hematoma, "a collection of blood within the skull." Mayo Clinic, *Intracranial Hematoma* (May 1, 2018), https://www.mayoclinic.org/diseases-conditions/intracranial-hematoma/symptoms-causes/syc-20356145 (last visited October 15, 2019). A subdural hematoma "occurs when blood vessels—usually veins—rupture between [the] brain and the outermost of three membrane layers that cover [the] brain (dura mater). The leaking blood forms a hematoma that presses on the brain tissue," which "can cause gradual loss of consciousness and possibly death." *Id.* "The risk of subdural hematoma increases [with] age"—in "older adult[s] . . . even mild head trauma can cause a hematoma." *Id.*

the "door . . . flung open" because it was defective and that Gin-Bob and LCBDM, by neglecting to repair or replace the door, negligently "failed to exercise due care . . . for the safety of business invitees."

Gin-Bob and LCBDM denied Ms. Cobb's allegations and, after a period of discovery, each moved for summary judgment. They argued that Ms. Cobb had not set forth a prima facie case of negligence because she could not recall the events herself, had not produced any eyewitnesses, and had not examined the door. Her evidence, they contended, sufficed to show neither that the door was defective nor that she had been struck by it.[4]

After a hearing, the circuit court granted the motions for summary judgment from the bench. The court noted that Ms. Cobb had no recollection of the incident, Mr. Whitmer did not see it, and no one else who witnessed the incident testified. Thus, no evidence in the record indicated that she fell due to a problem with the door.

Moreover, the court ruled, even assuming that the door caused Ms. Cobb's fall, she failed to introduce evidence of a defect. The only evidence of a defect to which Ms. Cobb pointed was a handwritten sign that Mr. Whitmer sometimes would place on the door, which read, "[W]indy, please hold door." Mr. Whitmer testified that he sometimes placed the sign on the door because on "a windy day, the wind w[ould] sometimes hold the door open." That sign, the court noted, was "the only suggestion . . . of any defect," and "[t]here

[4] LCBDM separately argued that, even assuming that Ms. Cobb's injuries were caused by a defect in the Whiteford Business Center's door, LCBDM was not liable because it "had no notice of the alleged defective/dangerous condition of the [ ] door."

[was] no other testimony about any problem with the door." Furthermore, there was no evidence that the sign had been placed on the door on the day of the accident, nor did Ms. Cobb introduce any evidence regarding wind conditions that day.

As the court saw it, Ms. Cobb argued for "a great leap of faith that the existence vel non of that sign, whether it was up there that day or not, indicates that there was a defect in the door." The circuit court disagreed, however, that the mere "existence of a sign" was itself "evidence, no matter how slight, of a defect in the door." Accordingly, the court granted the motions for summary judgment.[5]

On July 11, 2018, the circuit court issued a written order directing that judgment be entered in favor of Gin-Bob and LCBDM. Ms. Cobb timely appealed.

DISCUSSION

When reviewing "the trial court's grant of a motion for summary judgment, the standard of review is de novo." *Beka Indus., Inc. v. Worcester County Bd. of Educ.*, 419 Md. 194, 227 (2011) (quoting *Dashiell v. Meeks*, 396 Md. 149, 163 (2006)). "[W]e independently review the record to determine whether the parties properly generated a dispute of material fact, and, if not, whether the moving party is entitled to judgment as a matter of law. We review the record in the light most favorable to the nonmoving party and construe any reasonable inferences that may be drawn from the facts against the moving party." *Bank of N.Y. Mellon v. Georg*, 456 Md. 616, 651 (2017) (quoting *Chateau*

[5] The circuit court also stated that it would have granted LCBDM's motion for summary judgment on the basis of lack of notice, because "[i]n the absence of an agreement to the contrary under Maryland law, . . . the tenant is responsible" for "the maintenance of premises."

Foghorn LP v. Hosford, 455 Md. 462, 482 (2017)). "So long as the record reveals no genuine dispute of material fact 'necessary to resolve the controversy as a matter of law . . . the entry of summary judgment is proper.'" *Appiah v. Hall*, 416 Md. 533, 547 (2010) (quoting *O'Connor v. Balt. County*, 382 Md. 102, 111 (2004)).

I. MS. COBB DID NOT INTRODUCE EVIDENCE SUFFICIENT TO SHOW THAT THE DOOR CAUSED HER FALL.

The parties devote most of their briefs to arguing whether Ms. Cobb introduced evidence sufficient to show the existence of a defect in the door, the issue upon which the circuit court ruled. We believe, however, that Ms. Cobb's case fails on a logically prior issue (also addressed, albeit in less detail, by the circuit court): whether she introduced evidence sufficient to show that the door caused her fall at all.[6] *Cf.* Restatement (Second) of Torts § 430 cmt. a ("[C]ourts often consider the causation question without inquiring into the negligence problem . . . [when] they are clearly of the opinion that the actor's

[6] At oral argument, Ms. Cobb's counsel asserted a belief that we may not rule on the basis of whether Ms. Cobb had introduced evidence to show that the door caused her fall because that was not the basis on which the circuit court had ruled against her. It is true that generally "when a matter is resolved by the trial court on summary judgment," we "ordinarily will not affirm on any ground not relied upon by the trial court in granting the motion." *Montgomery County Bd. of Educ. v. Horace Mann Ins.*, 383 Md. 527, 536 (2004). That rule is subject to an exception, however: "if the alternative ground is one upon which the circuit court would have had no discretion to deny summary judgment," then we may affirm "for a reason not relied on by the trial court." *Wash. Mut. Bank v. Homan,* 186 Md. App. 372, 388 (2009). A complete absence of any evidence to support an element of Ms. Cobb's prima facie case is a ground on which the circuit court would not have had discretion to deny summary judgment. As a result, we are not precluded from affirming on this ground.

conduct cannot be regarded as a substantial cause of the other's harm, so that even were the actor negligent he could not be held responsible.").

To prevail in a cause of action for negligence, a plaintiff must show that (1) "the defendant was under a duty to protect the plaintiff from injury," (2) "the defendant breached that duty," (3) "the plaintiff suffered actual injury or loss," and (4) "the loss or injury proximately resulted from the defendant's breach of the duty." *Rosenblatt v. Exxon Co., U.S.A.*, 335 Md. 58, 76 (1994). The first and third elements are not disputed here: Gin-Bob and LCBDM acknowledge that they "owed [Ms. Cobb] the highest standard of care" as a "business invitee," and Ms. Cobb was injured.[7] As for the other two elements, even if we assume that Gin-Bob and LCBDM "breached th[eir] duty" to Ms. Cobb, she has not introduced evidence sufficient to show that her "injury proximately resulted from the defendants' breach of the duty." *Rosenblatt*, 335 Md. at 76.

"[N]egligence is not actionable unless it is a proximate cause of the harm alleged." *Pittway Corp. v. Collins*, 409 Md. 218, 243 (2009) (quoting *Stone v. Chi. Title Ins.*, 330 Md. 329, 337 (1993)). "To be a proximate cause for an injury," an act must be both (1) "a cause in fact" of the injury and (2) "a legally cognizable cause." *Pittway Corp.*, 409 Md.

[7] "The standard of care owed by a possessor of land depends upon the status of the person on the land; i.e. whether he is an invitee, licensee, or trespasser." *Rowley v. Mayor & City Council of Baltimore*, 305 Md. 456, 465 (1986). "The highest duty is that owed to an invitee," *Richardson v. Nwadiuko*, 184 Md. App. 481, 489 (2009), that is, "a person invited or permitted to enter or remain on another's property for purposes connected with or related to the owner's business," *Rowley*, 305 Md. at 465. Ms. Cobb was an invitee because she had entered the Whiteford Business Center "for the purpose of purchasing goods or services." *Richardson*, 184 Md. App. at 489.

at 243 (quoting *Hartford Ins. v. Manor Inn*, 335 Md. 135, 156-57 (1994)). "Causation-in-fact concerns the threshold inquiry of 'whether [the] defendant's conduct actually produced an injury.'" *Pittway Corp.*, 409 Md. at 244 (quoting *Peterson v. Underwood*, 258 Md. 9, 16-17 (1970)). "No matter how negligent a party may be, if his act stands in no causal relation to the injury, it is not actionable." *Whitlock v. Moore*, 720 S.E.2d 194, 200 (Ga. Ct. App. 2011); *Alexander v. Town of Vernon*, 923 A.2d 748, 756 (Conn. App. Ct. 2007).

"[I]n cases where only one negligent act is at issue," Maryland courts apply the "'but for' test" for causation: "cause-in-fact is found when the injury would not have occurred absent or 'but for' the defendant's negligent act."[8] *Pittway Corp.*, 409 Md. at 244. Under the "but for" test, a defendant's act may be considered to have caused a plaintiff's injury if "the harm would not have occurred had the actor not been negligent." *See* Restatement (Second) of Torts § 431 cmt. a.

Here, Ms. Cobb has not introduced evidence sufficient to show that her injuries were, in fact, caused by the Whiteford Business Center's door. Taken as true, the evidence presented by Ms. Cobb shows merely that she was injured by a fall as she exited the Whiteford Business Center. Nothing in the record shows what caused Ms. Cobb's fall. Mr. Whitmer, the only witness with a recollection of the incident, did not see Ms. Cobb

[8] The other test for causation-in-fact is the "substantial factor" test, which was derived from the Restatement (Second) of Torts § 431. *Pittway Corp.*, 409 Md. at 244; *see also Sindler v. Litman*, 166 Md. App. 90, 114 (2005). "[T]he 'substantial factor' test was devised to address situations in which two independent causes concur to bring about an injury," *Collins v. Li*, 176 Md. App. 502, 539 (2007), *aff'd sub nom. Pittway Corp.*, 409 Md. 218, but it "has been used frequently in other situations" as well, *Sindler*, 166 Md. App. at 114.

fall. He believed that Ms. Cobb fell because she "stumbled or caught her feet," and her contemporaneous comments, as he testified to them, support that interpretation. Ms. Cobb herself "do[es]n't remember anything about the accident." The only account she could provide was that she was "told" by an unknown person at an unknown point that "the door closed in the wind and cut [her] head."

To the extent these accounts describe the cause of the fall at all, they are, in effect, no more than "speculation" and "suspicions." *Carter v. Aramark Sports & Entm't Servs., Inc.*, 153 Md. App. 210, 225 (2003). In the absence of any admissible evidence tending to show that the door struck Ms. Cobb,[9] she has not set forth a prima facie case that Gin-Bob's and LCBDM's conduct proximately caused her injuries.[10]

Illinois's intermediate appellate court reached the same conclusion based on similar evidence in *Majetich v. P.T. Ferro Construction Co.*, 906 N.E.2d 713 (Ill. App. Ct. 2009), which involved a claim by the son of an elderly woman who died after a fall. "There were no eyewitnesses to the fall," and the woman did not clearly explain what happened before

[9] At the hearing in circuit court, Ms. Cobb's counsel cited a "conclusion" by the doctor who performed an independent medical examination on Ms. Cobb that she "was hit in the back of the head by a door" as evidentiary support for the notion that the door caused her injuries. The relevant statement in her doctor's report, however, is not identified as a medical finding, nor does it cite any source for the information. We know that information cannot have been gleaned from the underlying medical records, because they state that Ms. Cobb was "unable to answer questions about her history" by the time she first arrived at the hospital. Nor is there any evidence that the information came directly from Ms. Cobb.

[10] Ms. Cobb did not invoke the doctrine of res ipsa loquitur before the circuit court to compensate for the lack of direct evidence in her case, and, although her attorney mentioned the doctrine in passing during argument here, the parties have not briefed it. *See District of Columbia v. Singleton*, 425 Md. 398, 407 (2012) (discussing res ipsa loquitur). Accordingly, we do not consider res ipsa loquitur here.

her death. *Id.* at 715-17. The court affirmed the award of summary judgment to the defendant. The court concluded that "[t]here is simply insufficient evidence to determine whether [the woman] lost her balance due to one of her medical conditions, or to rule out that she tripped or slipped for any one of the other countless reasons that people fall." *Id.* at 720. Because the evidence, taken as true, showed "only that defendants' negligence was a possible cause rather than the probable cause of [the woman]'s injuries," the court held that the plaintiff failed to "establish [the] causal connection" necessary to state a prima facie case. *Id.* at 719-20 (quoting *Kellman v. Twin Orchard Country Club*, 560 N.E.2d 888, 892 (Ill. App. Ct. 1990)); *see also Legg v. Palozzola*, 70 So. 2d 746, 746-47 (La. Ct. App. 1954) (affirming judgment for defendant where there was evidence of negligent maintenance of a sidewalk, but no evidence to show what caused the plaintiff to fall).

"If there is no causation in fact, we need go no further for our inquiry has reached a terminal point." *Yonce v. SmithKline Beecham Clinical Labs.*, 111 Md. App. 124, 139 (1996). Based on the evidence in the summary judgment record, a reasonable jury could not find it more likely than not that Ms. Cobb fell because the door struck her, rather than because "she tripped or slipped for any one of the other countless reasons that people fall." *Majetich*, 906 N.E.2d at 720. Because Ms. Cobb did not establish an element of her prima facie case, the circuit court correctly awarded summary judgment in favor of Gin-Bob and LCBDM.

II. MS. COBB DID NOT INTRODUCE EVIDENCE SUFFICIENT TO SHOW THAT THE DOOR WAS DEFECTIVE.

Even assuming that Ms. Cobb had shown that the door struck her, we would nonetheless affirm the decision of the circuit court on the basis that Ms. Cobb failed to introduce any evidence that the door was defective.[11]

As explained above, to prevail in a cause of action for negligence, Ms. Cobb must show that Gin-Bob and LCBDM breached a duty to her. *See Rosenblatt*, 335 Md. at 76. Here, Gin-Bob and LCBDM owed Ms. Cobb a "duty . . . to use reasonable and ordinary care to keep [the] premises safe for the invitee and to protect the invitee from injury caused by an unreasonable risk which the invitee, by exercising ordinary care for h[er] own safety, w[ould] not discover." *Casper v. Charles F. Smith & Son*, 316 Md. 573, 582 (1989). Ms. Cobb argues that Gin-Bob and LCBDM breached their duty by failing to alert her to "a dangerous condition that warranted a warning," *see Duncan-Bogley v. United States*, 356 F. Supp. 3d 529, 538 (D. Md. 2018), specifically, "a defect in [the Whiteford Business Center's] front door" that caused the door to "sw[i]ng open away from her body then instantaneously and forcefully sw[i]ng back striking her in the head and back and thr[owing] her onto the concrete sidewalk."

[11] We also affirm the award of summary judgment in favor of LCBDM on the basis that LCBDM lacked notice of any defect in the door. "The liability of a landowner for injuries received on the land is dependent upon whether the device which caused the injury is in his possession and control." *Rowley*, 305 Md. at 464. "When land is leased to a tenant, the lessee becomes for the period of the lease both owner and occupier of the premises, subject to all the responsibilities of one in possession." *Id.* at 464 n.7. Here, LCBDM had leased the premises to Gin-Bob and there was no evidence that it was aware of any defect in the door. Accordingly, Gin-Bob—not LCBDM—was responsible for the premises.

The existence of a defect may be shown by: "(1) direct proof based on the nature of the accident in the context of the particular product involved; (2) circumstantial proof based on an inference of a defect from a weighing of several factors; and (3) direct affirmative proof through opinion testimony by an expert witness." *Shreve v. Sears, Roebuck & Co.*, 166 F. Supp. 2d 378, 407-08 (D. Md. 2001) (discussing, e.g., *Ford Motor Co. v. Gen. Accident Ins.*, 365 Md. 321 (2001); *Harrison v. Bill Cairns Pontiac of Marlow Heights*, 77 Md. App. 41 (1988); *Virgil v. Kash N' Karry Serv. Corp.*, 61 Md. App. 23 (1984)). The plaintiff bears the "burden to establish that . . . the defect existed," and such "proof . . . must arise above surmise, conjecture or speculation." *Virgil*, 61 Md. App. at 32 (quoting *Jensen v. Amer. Motors Corp.*, 50 Md. App. 226, 232 (1981)). "The bare fact that an accident happens to a product," standing alone, "is usually not sufficient proof that it was in any way defective." *Virgil*, 61 Md. App. at 32 (quoting William L. Prosser, *The Fall of the Citadel*, 50 Minn. L. Rev. 791, 843-44 (1966)).

Here, "[n]o proof was offered of any defect . . . sufficient to warrant [a] jury in inferring negligence on the part of" Gin-Bob and LCBDM. *Elmar Gardens v. Odell*, 227 Md. 454, 458 (1962). Ms. Cobb introduced no direct evidence of any defect in the door: she testified that she "ha[d]n't been back to where the accident occurred," and nothing in the record indicates that anyone ever examined the door on her behalf. The only person who seems to have examined the door was Gin-Bob's expert, Joseph R. Bailey, who concluded that there was no defect in the door. Ms. Cobb insists that we should not consider his report because it was "not under affidavit" and "d[id] not contain any qualifications . . . for [Mr. Bailey] to give an expert opinion." Even if we ignore Mr.

Bailey's report, though, Ms. Cobb failed to provide any evidence of her own—expert or otherwise[12]—that supports her contention that the door was defective. Without such evidence, she cannot survive summary judgment. *See Rite Aid Corp. v. Hagley*, 374 Md. 665, 684 (2003) ("The party opposing a motion for summary judgment must produce admissible evidence to show that a genuine dispute of material fact . . . does exist. This requires more than general allegations which do not show facts in detail and with precision." (internal citations and quotation marks omitted)).

Ms. Cobb argues that she has introduced circumstantial "evidence that the front door of Gin-Bob was defective" because Mr. Whitmer "put[] a sign on the front door to warn customers." Ms. Cobb refers to the handwritten sign that read, "[W]indy, please hold door," which Mr. Whitmer testified he sometimes placed on the door "on a windy day" because "the wind w[ould] sometimes hold the door open." Neither Mr. Whitmer nor Ms. Cobb recalled whether the sign was on the door on the day of the accident. Lorenzo Mannino, LCBDM's owner (and Gin-Bob's landlord), testified that he had never seen the sign and responded, "No," to the question, "Were you aware that the wind affected the door of [the] Whiteford Business Center?"

[12] Both Gin-Bob and LCBDM argue that Ms. Cobb was required to introduce expert testimony to support her contention that the door was defective. We are not persuaded. Under the facts of this case, we doubt that the relevant aspects of the operation of the Whiteford Business Center's door is so far "beyond the ken of the average layman" as to require an expert witness. *Schultz v. Bank of Am.*, 413 Md. 15, 28 (2010). A defect of the kind Ms. Cobb alleges—a door wildly swinging back and forth on its hinges with sufficient force to knock a person to the ground—"if proven," would likely be "so obvious[] . . . that the trier of fact could recognize it without expert testimony." *Id.*

At the hearing, the circuit court found "very troublesome" Ms. Cobb's contention that "the mere existence of th[e] sign [was] evidence of a defect," because "[t]here [was] no other testimony about any problem with the door." We agree that the testimony about the sign did not suffice to establish a jury question. First, the only evidence about the condition to which the sign referred was Mr. Whitmer's testimony that the door was sometimes held open by strong winds. That, without more, "do[es] not amount to [an] unreasonable risk[]" or present a danger because patrons "customarily and ordinarily expect to encounter" that condition when entering and exiting stores. *See Duncan-Bogley*, 356 F. Supp. 3d at 538. Therefore, the alleged defect, based on the only testimony about it, "was not a dangerous condition that warranted a warning," *see id.*, and Mr. Whitmer's decision to offer one was (as the circuit court said) "a gratuitous offering," *see* 57A Am. Jur. 2d Negligence § 358 ("[A] person who gratuitously undertakes to warn someone of a dangerous condition . . . is not subject to liability unless a failure to exercise reasonable care [in making the warning] increases the risk of harm to those he or she is trying to aid, or if harm is suffered because of another's reliance on the undertaking.").

Second, the alleged defect, wind holding a door open, does not correspond to Ms. Cobb's theory of the accident. She speculates that "the front door swung open away from her body then instantaneously and forcefully swung back striking her in her head and back." Neither the sign itself nor the only explanation for its occasional placement indicated that the door would swing open and then forcefully shut, much less that Gin-Bob or LCBDM would have been aware of any such defect. Thus, even if the sign proved *some* defect in the door, it would not prove a defect likely to cause the accident that Ms. Cobb's

complaint describes. *See Rosenblatt*, 335 Md. at 76 (stating that a plaintiff must show that the "injury proximately resulted from the defendant's breach of the duty").

CONCLUSION

Ms. Cobb did not introduce into the summary judgment record any evidence, direct or circumstantial, to support her claim that she was struck by the door of the Whiteford Business Center or that the door suffered from an unreasonably dangerous defect. As a result, no reasonable jury could have found that Gin-Bob and LCBDM were responsible for her injuries, and the circuit court correctly granted the motions for summary judgment.

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