

Circuit Court for Howard County
Case No.: C-13-CV-24-000379

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1178

September Term, 2025

ANTONIO JACINTO, *et al.*,

v.

CORNELIUS PERRY

Graeff,
Berger,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 4, 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.

The issue in this case whether the Circuit Court for Howard County abused its discretion when it denied an award of attorneys’ fees following a default judgment in favor of appellants, Antonio Jacinto and Angel Aguirre (together the “Employees”). For the reasons to be discussed, we shall vacate the decision and remand the case to the circuit court for further proceedings consistent with this opinion.

BACKGROUND

The Employees, through counsel, sued appellee, Cornelius Perry (the “Employer”), alleging Employer hired them to install vinyl floors and failed to compensate them for any wages earned for the work they had performed in December 2023 and January 2024. Employees sought to recover unpaid wages (calculated at the statutory minimum wage) (Count 1) and unpaid wages and unpaid overtime compensation (Count 2), as well as reasonable attorneys’ fees, pursuant to Md. Code Ann., Labor & Employment Article (“LE”), § 3-427; and the “promised” wage rate of \$50 per hour for Jacinto (who worked 95 hours) and \$25 per hour for Aguirre (who worked 76 hours), plus overtime compensation for all hours worked, treble damages, and attorneys’ fees pursuant to LE § 3-507.2 (Count 3). After Employer failed to file an answer to the complaint, Employees filed a motion for an order of default judgment, which the court granted. When Employer failed to move to vacate that order, Employees moved for a judgment of default. By order dated May 14, 2025, the court granted Employees motion and entered a judgment finding Employer liable for violations of LE § § 3-427 and 3-507.2. The court granted relief on Count 3, thus awarding Employees “the larger, treble damages remedy for all unpaid promised wages,” including overtime wages, at the promised rate of \$50 per hour for

Jacinto and \$25 per hour for Aguirre. It appears that the default judgment was entered without a hearing.¹

The order reflects that the monetary award was calculated as follows:

Jacinto: \$4,937.50 in unpaid wages
 \$9,875.00 in additional treble damages
 \$14,812.50 total damages to Jacinto

Aguirre: \$1,993.75 in unpaid wages
 \$3,987.50 in additional treble damages
 \$5,981.25 in total damages to Aguirre

On May 28, 2025, the self-represented Employer filed a motion to vacate the judgments, which the court later summarily denied with the notation: “This Motion was not properly served on Plaintiff’s counsel. It cannot be considered.”² Employer did not appeal.

On June 5, 2025, Employees filed a motion for attorneys’ fees, noting that the court had “awarded all relief for unpaid promised wages including overtime wages, as well as trebled exemplary damages under 3-507.2 as requested.” Employees asserted that “an

¹ In a memorandum in support of its motion for default judgment, Employees stated, in part:

Some wage cases involve frustratingly complex mathematics. This case, fortunately, is far simpler than most.

This Court has the power to conduct formal hearings if desired under Rule 2-613, but Plaintiffs urge that such are not needed here – given the simple arithmetic of this case.

² The certificate of service indicates that Employer served the motion to vacate judgments on Employees, individually, by first-class mail sent to 8757 Georgia Avenue, Silver Spring, Maryland 20910 – the same address (absent the suite number) of Employees’ attorney of record.

attorney fee award is mandatory under 3-427” and “[b]y logic, 3-507.2’s fee-shifting provision also urges an award, and this Court has already determined in its May 14, 2025 order that 3-507.2’s remedial provisions apply under these facts.” Employees sought an attorneys’ fees award of \$16,292.50, representing “54.4 hours of combined attorney and paralegal time to bring start [sic], prosecute and complete this case[.]” They alleged that the attorney and paralegal time spent on this case was “not excessive” and was “reasonable” given Employer’s “evasive and dilatory behavior[.]” They also sought \$984.88 in costs, which they claimed was “reasonable and necessary to effectuate filing, standard service attempts and the specific alternative service methods” the court had ordered. They attached various documents in support of the request.

On July 8, 2025, apparently without having convened a hearing on the motion, the court denied Employees’ request for attorneys’ fees, stating in its order:

Upon consideration of the motion, the record, and the applicable law, the Court finds that, pursuant to Maryland Rule 2-703, the amount of attorneys’ fees requested is unreasonably excessive in light of the relevant factors, including the time and labor expended, the amount involved, and the results obtained. The Court further finds that the compensation requested is not commensurate with the nature and extent of the services rendered in this matter.

Employees appeal that decision.

STANDARD OF REVIEW

“We review a trial court’s decision to award attorneys’ fees and costs for abuse of discretion.” *Pinnacle Group, LLC v. Kelly*, 235 Md. App. 436, 476, *cert. denied*, 459 Md. 188 (2018). “A trial court abuses that discretion when it disregards established principles or adopts a position that no reasonable person would accept. *Id.*”

DISCUSSION

As noted, Employees filed a complaint against Employer under the Maryland Wage & Hour Law (“MWHL”), LE § 3-427 and the Maryland Wage Payment & Collection Law (“MWPCCL”), LE § 3-507.2 and awarded relief under the latter.

Under the MWHL, LE § 3-427(d)(1), if a court determines that an employee is entitled to recover under that subtitle, the court, among other things, “shall award” to employee “reasonable counsel fees and other costs[.]” unless the employer “shows to the satisfaction of the court that the employer acted in good faith and reasonably believed that the wages paid to the employee were not less than the wages required under this subtitle[.]” In contrast, in an action under the MWPCCL, if the “court finds that an employer withheld the wage of an employee in violation of this subtitle and not as a result of a bona fide dispute, the court *may* award the employee an amount not exceeding 3 times the wage, and *reasonable* counsel fees and other costs.” LE § 3-507.2(b) (emphasis added). Thus, in the absence of a bona dispute, an award for attorneys’ fees under MWPCCL is discretionary. *Ocean City, MD Chamber of Commerce, Inc. v. Barufaldi*, 434 Md. 381, 390 (2013). Here, the court, in an exercise of its discretion, awarded Employees enhanced damages (three times the wages withheld) under LE § 3-507.2(b). It subsequently declined to award attorneys’ fees.

Employees maintain that the court erred in denying all costs and all counsel fees. Although recognizing that a court “shall award” reasonable attorneys’ under § 3-427(d)(1) when a plaintiff prevails in a MWHL case and that the court “may award” reasonable attorneys’ fees under § 3-507.2(b) in a MWPCCL case, they seem to assert that, despite

prevailing under MWPCCL (as evidenced by the court’s order and award of treble damages), the court was required to award attorneys’ fees pursuant to § 3-427(d)(1). We disagree. *See Morales v. Bryant Concrete Constructions, Inc.*, Nos. 488, 549, Sept. Terms, 2023, 2024 (Md. App. January 28, 2026) at *6. (Discussing federal and Maryland wage-and-hour laws (MWHL and MWPCCL) and observing that, “[a]lthough an employee may pursue various remedies under federal and Maryland wage-and-hour laws, the employee may recover only once for all damages resulting from established wage violations.” (citations omitted)).

Employees also assert that the court “abused its discretion” in failing to award any attorneys’ fees, without “explor[ing] any discussion of what fee item was ‘excessive’ either in fee rate, time expended or pertinence of any billable item, or what the lower rates of time expenditures might have been, in that court’s view.” Employees maintain that, “instead, the [court] denied the value of all work performed and all costs borne, without a hearing, and without awarding some other rationally calculated amount comporting with the mandatory Rule 2-703(f) factors.”

Maryland Rule 2-703 “applies to claims for attorneys’ fees allowable by law to a party in an action in a circuit court.” Rule 2-703(a). “If, under applicable law, the verdict . . . on the underlying cause of action permit but do not require an award of attorneys’ fees, the court shall determine whether an award should be made.” Rule 2-703(f)(2). “If the court determines that a permitted award should be made or that under applicable law an award is required, the court shall apply” certain factors to “determine the amount of the award.” *Id.* The factors, set forth in Rule 2-703(f)(3), include, among other others, the time and labor required; the novelty and difficulty of the questions; the skill required to

perform the legal service properly; the amount of time involved and the results obtained; the undesirability of the case; and awards in similar cases.

Although whether to allow an award of attorneys’ fee under LE § 3-507.2(b) is discretionary in the absence of a bona fide dispute as to whether the wages were due, the Maryland Supreme Court has instructed that, “in light of the purpose of the Wage Payment and Collection Law, a trial court ‘should exercise [its] discretion liberally in favor of awarding a reasonable fee, unless the circumstances of the particular case indicate some good reason why a fee award is inappropriate in that case.’” *Barufaldi, supra*, 434 Md. at 385 (quoting *Friolo v. Frankel*, 373 Md. 501, 518 (2003)). *See also Barufaldi and Friolo*, where the Supreme Court examined in fair detail the development of the MWPCCL and “its fee-shifting provision” and why it discerned that the court should lean in favor of awarding reasonable attorneys’ fees in these cases.

In *Barufaldi*, the Supreme Court “comment[ed] briefly” as to when a fee award might be inappropriate, such as where an employer promptly made a good faith settlement offer to pay withheld wages, but the employee continued the litigation with the aim of obtaining additional fees and costs incurred after the time of the settlement offer. 434 Md. at 401. The Court also did “not rule out plaintiff ‘misconduct’ as a basis for a trial court to forgo or reduce a fee award, but decline[d] to speculate on the circumstances that might justify such a conclusion.” *Id.* Otherwise, the Court did not elaborate on instances where it might be an abuse of discretion for a court not to award reasonable attorneys’ fees.

Here, the court denied Employees’ request for attorneys’ fees and costs, finding that that “amount of attorney’s fees requested is unreasonably excessive” and “that the

compensation requested is not commensurate with the nature and extent of the services rendered in this matter.” The court did not explain the basis for its findings and, therefore, we cannot adequately review its decision. Moreover, it does not appear that the court considered whether a reduced fee might be appropriate in this case. *See Pinnacle Group, LLC*, 235 Md. App. at 480 (“In addition to their discretion in deciding whether to award attorneys’ fees, trial courts have discretion in determining how much to award in attorneys’ fees for an MWPCCL claim.”). For these reasons, we hold that the court abused its discretion when denying Employees’ motion for attorneys’ fees and costs. We vacate the judgment and remand this case to the circuit court with instructions to reconsider its ruling. Upon remand, if the court concludes that Employees’ request for attorneys’ fees and costs should be denied, it shall explain in more detail why such an award is not appropriate in this case. The court may also consider whether a lesser amount than requested is appropriate.³

**JUDGMENT OF THE CIRCUIT COURT
FOR HOWARD COUNTY DENYING
ATTORNEYS’ FEES AND COSTS
VACATED. CASE REMANDED FOR
FURTHER PROCEEDINGS CONSISTENT
WITH THIS OPINION.**

COSTS TO BE PAID BY APPELLEE.

³ Employer, who continues to represent himself, filed a paper in this Court which we have treated as his brief. Employer makes factual assertions in defense of the underlying merits and requests that we take them into consideration when reviewing this matter. Because the merits of the wage claims are not before us and because these facts were not presented to the trial court, we shall not consider them in this appeal. We leave it to the circuit court’s discretion as to whether it wishes to hear from Employer when it reconsiders Employees’ motion for an award of reasonable attorneys’ fees and costs.