Circuit Court for Calvert County
Case No: C-04-CV-23-000570

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1198

September Term, 2024

MARIAH RIEDELL

v.

CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL.

Reed,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Harrell, J.

Filed: March 12, 2026

*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).

The lineage of this appeal springs from a judgment of the Circuit Court for Calvert County granting summary judgment in favor of the Calvert County Board of County Commissioners ("the County"), Kaitlin Sewell ("Sewell"),[1] the State of Maryland[2] ("the State"), Mallan Willis ("Dr. Willis"), and Tidewater Veterinary Hospital, LLC ("Tidewater"), appellees, as to all claims brought against them by Mariah E. Riedell ("Riedell"), appellant. Riedell's nine-count amended complaint alleged various constitutional and tort claims (as well as requesting a declaratory judgment) relating to the seizure by appellees of two horses owned by her, pursuant to § 10-615 of the Criminal Law ("CR") Article of the Maryland Code.[3] The County and Sewell filed a motion to strike a

[1] In the record, although Sewell's first name is also spelled Kaitlyn, for consistency, we shall use Kaitlin throughout this opinion. There is no dispute that, at all times relevant to this case, Sewell was an animal control officer employed by Calvert County Animal Control, a division of County government.

[2] Riedell's claims against the State are premised largely on actions taken by Detective Joshua Buck, who was employed by the Calvert County Sheriff's Office. A sheriff or deputy sheriff of a county, and employees of the office of a sheriff of a county, are included in the definition of State personnel. *See* § 12-101(a)(6) of the State Government Article of the Maryland Code.

[3] CR § 10-615 addresses the care of mistreated animals. Prior to amendment of the statute in 2022, at the time the horses that are the subject of the instant case were seized, it provided, in part:

> (a) *Court-ordered removal.* — If an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the removal of the animal or any other animal at the time of conviction for the protection of the animal.
> (b) *Seizure.* — (1) An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may seize an animal if necessary to protect the animal from cruelty.

(continued…)

portion of the amended complaint, and all the appellees filed motions to dismiss or, in the alternative, motions for summary judgment. After a hearing on 25 July 2024, the circuit court granted summary judgment as to all the appellees, dismissed the claim for a

* * *

(c) *Impounded animal.* — (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:

(i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or

(ii) remove the animal if removal is necessary for the health of the animal.

(2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.

(d) *Notification to owner.* — (1) A person who removes an animal under subsection (c) of this section shall notify the animal's owner or custodian of:

(i) the removal; and

(ii) any administrative remedies that may be available to the owner or custodian.

(2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the removal occurred within 10 days after the removal.

(e) *Stray.* — An animal is considered a stray if:

(1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after removal; or

(2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 20 days to determine the owner or custodian.

(f) *Limitations*. — This section does not allow:

(1) entry into a private dwelling; or

(2) removal of a farm animal without the prior recommendation of a veterinarian licensed in the State.

CR § 10-615 (2002, 2021 Repl. Vol.).

declaratory judgment, and denied the motion to strike as moot. This timely appeal followed.

QUESTIONS PRESENTED

Riedell presents three questions for our consideration, which we have reordered and rephrased slightly:

> I. As a matter of first impression, does CR § 10-615(f) require a licensed veterinarian to be on the scene to examine farm animals[4] for a valid lawful recommendation of seizure?
>
> II. As a matter of first impression, does CR § 10-615 require a valid lawful recommendation of a licensed veterinarian to establish probable cause for a seizure?
>
> III. Did the circuit court err in granting summary judgment in favor of appellees?

For the reasons to be explained, we shall affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

Riedell and some of the appellees share a substantial litigious history that includes a suit in the district court, a *de novo* appeal to the circuit court of the district court's disposition, and a civil action in the circuit court that gave rise to this appeal. To place this appeal in that context, we shall dwell a bit on the antecedent cases. The focus of all of the cases are two horses, named Bella and Citra, owned by Riedell. The horses were kept on a property in Lusby, Maryland, owned by Riedell's parents, Matthew and Lisa Keen. On 1 December 2020, pursuant to a warrant, the horses were seized by the Calvert County

[4] The parties do not dispute that the horses that are the subject of this case were farm animals within the meaning of CR § 10-615.

Sheriff's Office ("Sheriff's Office") and Calvert County Animal Control ("Animal Control") and taken to Days End Farm, a horse rescue farm in Howard County. The gauntlet was thrown.

The District Court Case

Riedell filed in the District Court of Maryland, sitting in Calvert County, an emergency petition (later amended) seeking the return of her horses. Riedell identified as defendants the State of Maryland, Animal Control, the Sheriff's Office, the County, the Calvert County Attorney's Office, and Days End Farm Horse Rescue, Inc. Riedell's petition included numerous allegations, including that: (1) there was no basis to support the seizure of the horses; (2) Calvert County Sheriff's Detective Joshua Buck, who applied for the search and seizure warrant, did not have any personal knowledge of the statements contained in the warrant application; (3) Animal Control Officer Sewell did not provide a sworn affidavit or sworn testimony in support of the warrant application; (4) there was no allegation that Citra was malnourished or neglected in any way; (5) Detective Buck and Officer Sewell failed to disclose in the warrant application the existence of sufficient food, bales of hay, water, multiple open stalls, and fields for the horses present on the Keen property; (6) veterinarian records for both horses were obtained from Tidewater without a warrant and without Riedell's knowledge or consent; (7) no veterinarian licensed in Maryland examined the horses before they were seized; (8) the application and warrant did not authorize the removal of the horses from Calvert County; (9) a recommendation to seize the horses issued by Dr. Willis, who was employed by Tidewater, was insufficient to satisfy the requirements of CR § 10-615(f); and, (10) the horses were seized illegally.

Riedell maintained that the continued retention of the horses violated her constitutional rights and Maryland law. She asked the court to order the return of the horses and award her attorneys' fees and costs.

A hearing was held on 14 January 2021. The State filed a motion to dismiss the emergency petition, in which it argued that neither the Sheriff's Office nor the State's Attorney's Office was in possession of the horses, neither had any interest in continued possession of them, and neither was a proper party to the case. The court granted the motion to dismiss as to the State, the Sheriff's Office, and the State's Attorney. The County and Animal Control opposed Riedell's petition. Among other things, they argued that there was sufficient evidence from which to determine that the horses had been neglected, that the horses must be retained for a longer period to safeguard their health, and that no in situ personal observation or hands-on examination by a licensed veterinarian was required by CR § 10-615(f).

The district court received evidence, which we summarize as follows: In October 2020, Riedell contacted Maryland Equine Transition Services ("METS"), a non-profit service that assists in the transition of horses to new homes. Riedell expressed to METS her desire to sell both horses. Riedell disclosed that Bella, the mare, was still nursing Citra, her filly. Riedell wanted to sell Citra first, so that Bella could put on weight before being sold.

In response, on 13 November 2020, Katy Whipple, of METS, inspected both horses at the Keen property. Whipple performed a hands-on assessment of Bella and determined that she had poor body condition, including very visible ribs and no body mass "on her top

line" along her spine. Bella had given birth to Citra about four years before. Citra had not been weaned and was still nursing, which was not normal for a horse of Citra's age. According to Whipple, the nursing could cause a lot of calorie loss and was a very big drain on Bella. Citra had "a round belly, but poor topline" and "minimal handling knowledge." The two horses were dependent upon one another and, according to Whipple, Bella would not move unless Citra moved along with her. Ultimately, Whipple and METS concluded that they could not in good faith market Bella for "re-homing." Whipple determined that it would be best to keep both horses together, if possible, but that Citra's lack of training made her "a very difficult placement."

Whipple suggested to Riedell that she relinquish the horses to one of METS's partners, Days End Farm. Riedell declined that option. Whipple attempted to follow up with Riedell on 20 November 2020, but got no response and did not hear from her again. Subsequently, Whipple made a report to Animal Control and closed the METS case.

On 23 November 2020, the Monday before Thanksgiving, Animal Control Officer Sewell was dispatched to the Keen farm to make an unannounced welfare check on two underweight horses. She observed Bella and Citra in a pasture. She judged Bella, the older horse, to be severely underweight and Citra, the younger horse, underweight. Sewell observed an abundant amount of feed in the paddock and hay, but there was none in the stables or the pasture, and there was missing bark on trees along the fence line, which suggested to Sewell that the horses were searching for food.

Sewell met with Riedell's mother and learned that Riedell owned both horses. Thereafter, Sewell contacted Riedell and advised that she had visited the property for a

welfare check and was concerned about the body condition of both horses. Sewell gave Riedell 48 hours to seek veterinary care for both horses. Sewell spoke with Riedell again the following day to see if she had sought veterinary care and if she needed help getting an appointment. Riedell advised that she had not yet sought veterinary care. Sewell suggested she contact Tidewater, the horses' historic regular veterinarian practice, but Riedell responded that she was no longer using that practice. Sometime after 4 p.m. on 23 November 2020, Riedell's father called Sewell, asked why she had been at his property and, among other things, advised that the next time Sewell wanted to enter on his property, she would need a search warrant.

On 25 November 2020, Sewell placed a telephone call to Riedell, but was unable to reach her. In light of the upcoming Thanksgiving holiday, Sewell decided to give Riedell more time to contact a veterinarian. Sewell contacted Tidewater to ask if they could see the horses. She was told by a receptionist that they had appointment availability, but offered Sewell the option that she could send photographs of the horses. On 30 November 2020, Sewell spoke with Riedell, who advised that the horses would be seen by a veterinarian on December 3, but refused to disclose the veterinarian's name. On the evening of November 30, Sewell contacted Tidewater, spoke to Dr. Willis, and sent, via text message, photographs of the horses. Dr. Willis responded via email to Sewell, stating:

> I have discussed the case with Officer Sewell and recommend that these horses in the attached photos be removed from their current owner. These horses are severely malnourished. The mare is found to be a body condition

> score of 1/9[5] as evidenced by the easily identifiable ribs, spinal processes, and tuber coxae. The filly is of better body condition but still scores between a 2-3/9 as evidenced by the prominent spinous processes and tuber coxae. As the weather gets colder, maintaining a higher body condition score is recommended to stabilize internal body temperature. The mare is currently at risk of hypothermia in the near future if immediate actions are not taken.

Unbeknownst to Sewell, on 30 November 2020, Linda Miller, a veterinarian licensed in Maryland and employed by the Token Oak Equine Service, examined both horses at the Keen property. Dr. Miller conducted a hands-on examination of each horse and, using the Henneke Body Condition Scoring System (commonly used by veterinarians), assigned a body score of two of nine for Bella and five of nine for Citra. According to Dr. Miller, the ideal range for the body condition of a horse is between four and six. Dr. Miller was unaware that Animal Control was investigating the condition of the horses. She was called to provide a complete health certification so that the horses could be moved to a new stable that weekend. Dr. Miller saw no reason for the horses to be seized the very next day. She observed plenty of food in the barn. She opined, however, that the horses should have been separated long ago and fed separately.

Because Animal Control had been forbidden by Mr. Keen from coming on the property where the horses were located, Sewell sought assistance from Calvert County Sheriff's Detective Buck, who applied for a search and seizure warrant, which was issued. Days End Farm was called by another officer, Sheriff's Deputy Dowd, and asked to be on standby to seize possibly both horses. Sewell was present when the warrant was executed

[5] Presumably out of a nine point test, with a lower number indicating a less favorable evaluation. *See infra* regarding the Henneke Body Condition Scoring System at pages 8, 10.

on 1 December 2020. The horses were seized and taken to Days End Farm. At that time, Sewell observed hay, feed, water, a barn, and two pastures. It is undisputed that no veterinarian was present when Sewell conducted her welfare check on November 23 or when the horses were seized on December 1.

The district court found that the seizure of the horses was lawful and that CR § 10-615(f) did not require "an in-person examination by a veterinarian[,]" but only "a recommendation of a veterinarian licensed" in Maryland. That recommendation was provided by Dr. Willis. The court concluded that "the horses were in need of seizure" and declined to order that they be returned to Riedell.

De Novo Appeal of the District Court Decision to the Circuit Court for Calvert County

Riedell noted a *de novo* appeal to the Circuit Court for Calvert County. Trial in that case began on 22 March 2021. Preliminarily, the circuit court "excused" the State and permitted the State's Attorney representing the Sheriff's Office and Detective Buck to depart the hearing. Dr. Willis, the first witness called by the County and Animal Control, testified as an expert in veterinary medicine. She stated that, on 30 November 2020, she was contacted by Animal Control Officer Sewell. Based on the photographs that were sent to her by text, Dr. Willis sent Sewell an email recommending that the horses be seized. Dr. Willis determined that "the body conditions for the two horses was low," especially for the older mare, Bella, who "was dangerously thin … in the photographs." Dr. Willis determined that Bella's body condition score was one, the lowest possible score out of nine. She explained that "body condition scoring is an assessment of the level of fat on an animal.

It can be done either visually or on palpation." According to Dr. Willis, Bella's "spinous processes were visible, you could see it," and "the tuber coxae, or the pelvis, was" also visible. Dr. Willis stated that "[t]hese should not be visible in a well maintained horse." In addition to the "bony prominences associated with the pelvis[,]" Dr. Willis could see "every single rib spaced on that horse" and "the spaces between the vertebra[.]" As for the younger horse, Citra, Dr. Willis was concerned about the "size and diameter of the neck" and "how visible the parts of the pelvis" were. She gave Citra a body condition score of two-to-three. Dr. Willis was concerned also about "large gaps in the barn walls" and "the level of manure contaminations" observed in the photos because "[m]anure is a great vector of parasites and diseases." Dr. Willis held her opinions to a reasonable degree of professional certainty. On cross-examination, Dr. Willis acknowledged that she did not examine physically either Bella or Citra, that she did not have a "doctor/animal relationship" with either horse, and that the photographs she observed did not show how many blankets or how much food and water was available for the horses.

At the conclusion of Dr. Willis's testimony, the trial judge asked counsel if there was still a need to keep the horses. Counsel for the County stated that Days End Farm did not "want or need" the horses and the County "doesn't want to maintain" them and was willing to return them with the understanding that they would need to be cared for so that they would not revert to their prior conditions. The court recessed. Thereafter, the court entered a written order that the horses were to be returned to Riedell within seventy-two hours and that a veterinarian specified in the order would provide follow up services within thirty days of their return and thereafter on a regular basis, with updates provided to the

County. The court continued the hearing to 11 May 2021, apparently to address the propriety of the initial seizure of the horses. The horses were returned to Riedell on 24 March 2021.

On 19 April 2021, the County and the State filed motions to dismiss the *de novo* appeal or, in the alternative for summary judgment. The County argued that, because the horses had been returned, that being the only remedy provided under CR § 10-615, there was no longer a justiciable issue before the court, the case was moot, and dismissal was warranted. Alternatively, the County argued that it was entitled to summary judgment because there was "no genuine question that the County's Animal Services Division … and [Animal Control Officer] Sewell were operating within their legal authority in enforcing CR § 10-615." The County maintained that, contrary to Riedell's assertion, CR § 10-615(f) did not require personal on-the-scene observation or a hands-on examination by a licensed veterinarian. Lastly, the County argued that there were no deficiencies in the search and seizure warrant. The State adopted and incorporated the arguments made by the County.

Riedell opposed the motions. Among other things, she argued that there was no valid recommendation under CR § 10-615(f) prior to the seizure of the horses because Dr. Willis did not see personally or touch the horses in situ, but instead based her recommendation to seize the horses on the two-dimensional photographs taken and transmitted by Sewell. As a result, the seizure was unlawful. She asserted also that the *de novo* appeal was not moot and that the circuit court was "only permitted to dismiss a de novo appeal if the appellant fails to appear as required for trial or any other proceeding on

the appeal[,]" which did not happen. (Quotation marks omitted.) In addition, Riedell maintained that motions for summary judgment were not permitted under Maryland Rule 2-501(a) because evidence had been received in the trial on the merits. She claimed that she was entitled to a judgment that the initial seizure of the horses was unlawful.

A hearing on the motions was held on 11 May 2021. The parties and the court recognized that this was not a criminal case where a motion to suppress might be utilized and they agreed that Riedell had certain civil remedies available to her. The court was advised also that the County had not sued, as yet, Riedell for the costs incurred in caring for the horses. The County and the State argued that Riedell was asking the court to issue an advisory opinion about the validity of the warrant. They maintained that the proper proceeding for determining the validity of the warrant was a suppression hearing or a preliminary hearing in a criminal case. They continued that, in requesting a determination on the validity of the warrant, Riedell was requesting an advisory ruling that would have binding implications in any subsequent civil case. They maintained also that CR § 10-615 was "a unique replevin statute" and that the "only relief the statute allows is [the] return of the property[,]" which had been done, thus rendering all other issues moot.

After hearing the parties' arguments, the court stated:

> I – in any criminal case were the warrant determined to be anything other than what it should have been, there generally is a motion to suppress and the evidence either, the evidence seized either returned to the owner or kept by the State, but not allowed to go forward.
>
> I, I find, I find it difficult to reach the conclusion that [counsel for Riedell] wants me to make with regard to the fact that I should either breathe life into the search warrant or take all the life out of it by saying it was improperly issued. Frankly, it was, it was issued, it was served, executed and the horses seized.

> I don't think I can undo the seizure of the horses other than to return them, which we've done.
>
> And to go back and say anything other than it was served at this point and, you know, justice done by returning the property is I think where we are in this case.
>
> That leaves [counsel's] clients every opportunity to bring the civil suit, which I believe is going to be coming fairly soon down the pike, and I think that's where we are.
>
> So the relief that you request I'm going to deny at this point and we'll leave it open for the, I guess this case will be closed statistically and there will have to be a new suit filed, if I'm not mistaken.

Following some discussion on the record about how to word a court order or docket entry, the court took the matter under advisement. On 13 July 2021, the court issued a written opinion and order in which it wrote:

> Lastly, Appellant contends that the issue is not moot because the County may pursue criminal charges related to the alleged negligent care of the horses; and, because the County may seek reimbursement for the costs of caring for the horses at Days End. The Court finds Appellant's concerns are merely speculative, and CR § 10-615 is not the proper vehicle to remedy such concerns.
>
> The Court notes that the County's Motion prayed for Summary Judgment in its favor on the validity of the lawfulness of the seizure of Appellant's horses. The Court will not address the County's arguments for Summary Judgment because the issue before the Court is now moot.
>
> In conclusion, at this time, the only remedy that the Court can provide the Appellant would be an advisory opinion on the validity of the warrant related to the seizure of Appellant's horses. Courts do not and should not provide advisory opinions.

In its written order, the court found "that the issues before this Court are now moot" and ordered that appellees' motions to dismiss the appeal or, in the alternative, for summary judgment be "GRANTED in part as the issues are MOOT."

Ten days after the court's order was entered, Riedell filed a motion to alter or amend the judgment, which was denied on 18 August 2021. Riedell filed a petition for writ of

certiorari in the Supreme Court of Maryland,[6] which petition was denied on 22 November 2021.

The Origin of the Present Case

On 29 November 2023, Riedell filed in the Circuit Court for Calvert County a complaint, later amended, against Calvert County, Sewell, the State of Maryland, Tidewater, and Dr. Willis. The amended complaint included nine counts alleging: (1) a violation of Article 24 of the Maryland Declaration of Rights by the County and the State; (2) illegal taking by the County and the State; (3) interference with possessory interest in property by the County and the State; (4) trespass to chattels by the County, the State, Sewell, Dr. Willis, and Tidewater; (5) conversion by the County, the State, Sewell, Dr. Willis, and Tidewater; (6) negligence by the County; (7) negligence by Dr. Willis and

[6] The petition framed the following questions:

> I. As a matter of first impression, does CR § 10-615(f) require a licensed veterinarian to be on the scene and actually personally view and examine farm animals for a valid recommendation of seizure?
>
> II. As a matter of first impression, was it error for the circuit court to dismiss the CR § 10-615(d) de novo appeal as moot?
>
> III. As a matter of first impression, does CR § 10-615 require the seizing party to prove both that (1) the initial seizure of farm animals was lawful and necessary, and (2) that continued possession of farm animals is necessary for the health and/or safety of the animals?
>
> IV. As a matter of first impression, is the standard of proof on the seizing party in a CR § 10-615(d) action by a preponderance of the evidence or by clear and convincing evidence?

Tidewater; (8) "respondeat superior" against Tidewater; and (9) a request for a declaratory judgment.

Notably, in paragraph 37 of the amended complaint, Riedell alleged that the County had harassed her family, the Keens, on "multiple occasions," including bringing "fraudulent criminal charges" against her brother, Scott Keen. The case against Scott Keen was "taken to trial by the State's Attorney's Office at the insistence of the County Attorney's Office." Scott Keen obtained a judgment of acquittal at the close of the State's case "because there was no evidence to support the charges." In a subsequent civil action, a jury awarded Scott Keen substantial damages as a result of the County's "unlawful conduct toward" him. Riedell alleged that the seizure of her horses from the Keen family property was "in retaliation for the judgment rendered in favor of Scott Keen and in retaliation for the Keen Family standing up to the County's past illegal conduct toward them."

The County and Sewell filed a motion to strike paragraph 37 of the amended complaint and a motion to dismiss the amended complaint or, in the alternative for summary judgment. They argued that Riedell's equal protection and due process claims must be dismissed because: (1) there was no allegation that Riedell was treated differently from a similarly situated person; (2) there were insufficient allegations that they were motivated by discriminatory animus; and, (3) Riedell was afforded procedural due process and "post-deprivation process."

As to the tort claims generally, the County and Sewell argued that CR § 10-615(f) required plainly only that a veterinarian licensed in the State of Maryland recommend that

the horses be seized. There was no requirement that the veterinarian make a "personal examination" of the animals. In addition, they asserted that there were no deficiencies in the search and seizure warrant. As to the tort claims in counts 3 through 6, the County argued that it was immune from suit as a matter of law. Sewell asserted that under § 5-507(a)(1) of the Courts and Judicial Proceedings ("CJP") Article of the Maryland Code,[7] she was entitled to statutory public official immunity for the claims set forth in counts 4 and 5. Lastly, the County and Sewell argued that, because the claims should be resolved in their favor, there "is no need to address" Riedell's request for a declaratory judgment.

The State, Dr. Willis, and Tidewater also filed motions to dismiss or, in the alternative, for summary judgment. The State argued that it had not waived its sovereign immunity for malice or gross negligence and that the amended complaint included sufficient averments of malice and, alternatively, gross negligence, such as to warrant dismissal. The State asserted also that dismissal was warranted because the amended complaint failed to state a claim upon which relief could be granted. The State pointed to Riedell's claim that Detective Buck did not include in the warrant application a request to place the horses with Days End Farm or otherwise remove the horses from Calvert County. The State asserted that there was no requirement for that type of request in the application in order for the warrant to be valid. Similarly, with respect to Riedell's claim that the

[7] CJP § 5-507(a)(1) provides:

> An official of a municipal corporation, while acting in a discretionary capacity, without malice, and within the scope of the official's employment or authority shall be immune as an official or individual from any civil liability for the performance of the action.

warrant application failed to indicate Dr. Willis was a licensed veterinarian in Maryland, the State argued that no such statement was required. The State argued, in the alternative, that it was entitled to summary judgment in its favor because the undisputed facts showed that Detective Buck "could be reasonably justified in the belief that the information provided by [Sewell] regarding the animal neglect/cruelty investigation was credible and that evidence of a criminal violation would be found" at the Keens' property.

Dr. Willis and Tidewater highlighted that Dr. Willis was never in possession of Riedell's property and, therefore, the claims for trespass to chattels and conversion must be dismissed. In addition, they asserted they were entitled to judgment on the claims for negligence and respondeat superior because there was no veterinarian-client-patient relationship between Dr. Willis, Riedell, and Riedell's horses.

A motions hearing was held on 25 July 2024. After hearing arguments, the court granted summary judgment in favor of all defendants stating:

> I think there's a number of red herrings in this particular case, but when it comes down to the material facts, the Court finds the material facts are not in dispute, and the Court is going to grant summary judgment in favor of all the Defendants. And I will declare there's no judicial controversy between the parties.

On 1 August 2024, the court entered a written order granting summary judgment in favor of the State on counts 1, 2, 3, 4, and 5; in favor of Dr. Willis and Tidewater on counts 4, 5, and 7; in favor of Tidewater on count 8; in favor of the County and Sewell on counts 4 and 5; and, in favor of the County on counts 1, 2, 3, and 6. As for count 9, which requested a declaratory judgment, the court dismissed that claim on the ground that the controversy had been adjudicated fully and "therefore [it was] not the proper subject for a declaratory

judgment action given that the judgments above speak for themselves and declaratory proceedings are no longer available either to construe, clarify or modify them[.]" The court also denied the County and Sewell's partial motion to strike paragraph 37 of the amended complaint on the ground that it was moot.

STANDARD OF REVIEW

"Summary judgment is appropriate where 'there is no genuine dispute as to any material fact and [] the [moving] party is entitled to judgment as a matter of law.'" *Oglesby v. Baltimore Sch. Assocs.*, 484 Md. 296, 327 (2023) (quoting Md. Rule 2-501(a)). A fact is deemed material when it "somehow affect[s] the outcome of the case." *Adventist Healthcare, Inc. v. Behram*, 488 Md. 410, 431 (2024) (quotation marks and citations omitted). We review a circuit court's grant of summary judgment without deference. *Jones v. Smith*, 265 Md. App. 248, 255 (2025). In doing so, we determine independently "whether, reviewing the record in the light most favorable to the non-moving party and construing all reasonable inferences against the moving party, a genuine dispute of material fact exists and whether the moving party is entitled to judgment as a matter of law." *Adventist Healthcare*, 488 Md. at 431-32. "Our role in that undertaking is the same as the circuit court's, which is not to resolve factual disputes but merely to determine whether those disputes 'exist and are sufficiently material to be tried.'" *Id.* at 432 (quoting *Gambrill v. Bd. of Educ. of Dorchester Cnty.*, 481 Md. 274, 297 (2022)). Furthermore, when reviewing a grant of summary judgment, we "examine[] the same information from the record and determine[] the same issues of law as the trial court." *Haas v. Lockheed Martin Corp*., 396 Md. 469, 478-79 (2007).

Ordinarily, on appeal from the entry of summary judgment, we review "'only the grounds upon which the trial court relied in granting summary judgment.'" *River Walk Apartments, LLC v. Twigg*, 396 Md. 527, 541-42 (2007) (quoting *Standard Fire Ins. Co. v. Berrett*, 395 Md. 439, 451 (2006)). "[I]f the alternative ground is one upon which the circuit court would have had no discretion to deny summary judgment, [however,] summary judgment may be granted for a reason not relied upon by the trial court." *Ragin v. Porter Hayden Co.*, 133 Md. App. 116, 134 (2000) (quotation marks and citations omitted). "When a motion is based solely upon 'a pure issue of law that could not properly be submitted to a trier of fact,' then 'we will affirm on an alternative ground.'" *Id*. (quoting *Davis v. Goodman*, 117 Md. App. 378, 395 n.3 (1997)).

I.

Analysis

Riedell contends that the circuit court erred in granting summary judgment in favor of appellees because "recommendation," as used in CR § 10-615(f), required a veterinarian to be "on the scene" where the horses were located and to "actually physically see and examine" them beforehand in order for the recommendation to be valid and as probable cause for the seizure. She argues that "[t]he failure of [a]ppellees to obtain a valid lawful recommendation from a competent licensed veterinarian provides a sufficient factual dispute to prevent the entry of summary judgment[.]"

Riedell directs our attention to *Rohrer v. Humane Society of Washington County*, 454 Md. 1 (2017). Although she acknowledges that *Rohrer* did not address the issue presented in the instant case, she asserts that Maryland's Supreme Court implied in that

case "that compliance with CR § 10-615(f) should require the recommending veterinarian be 'on the scene' to provide a valid recommendation." In support of that assertion, she points to a footnote in which the Court said:

> It is also notable that, while the search warrant authorized executing officers generally to seize 'evidence' of animal cruelty violations, it also specifically directed them to 'seize any animal found to be deprived of nutritious food and water, at the recommendation of the veterinarian on the scene' – a provision apparently designed to conform with the requirements of CR § 10-615(c) & (f)(2).

Rohrer, 454 Md. at 39 n.29.

From this footnote, Riedell imagines that the Court recognized that CR § 10-615 "specifically contemplates that a veterinarian will be 'invited' and will 'accompany' an officer to the place where the alleged neglected animal is located." Riedell points also to the *Rohrer* Court's review of the scant legislative history of CR § 10-615 and the fact that the required "prior recommendation of a veterinarian licensed in" Maryland was added by the General Assembly in 1975. According to Riedell, because "there were no iPhones or text messaging" in 1975, the General Assembly must have intended for the veterinarian "to be present and actually physically examine a farm animal before it could be seized under the statute." Because "[t]here was no possible way in 1975 for anyone to 'text' photographs to a veterinarian[, t]he only commonsense interpretation is that a veterinarian would be present 'at the scene' to inspect and examine an animal." Riedell continues:

> In 1975, if a photograph were to be the basis of a veterinarian['s] recommendation a person would be required to have a camera with film at the location of the animal, take a picture of the animal, go have the film developed which could take days, then mail or physically deliver the developed photograph to a veterinarian. If the purpose of the seizure under CR § 10-615 is based on the immediate necessity for the health of the animal,

> commonsense dictates that the Legislature did not intend for the recommendation to be provided without the veterinarian physically going to the location of the animal and examining the animal. Moreover, the requirement for the recommendation of a veterinarian licensed in the State of Maryland in CR § 10-615 implies that the veterinarian would be making the recommendation in accordance with accepted veterinarian practices and procedures that a veterinarian must follow.

Riedell claims that it "was not and is not proper for a veterinarian to make a recommendation for treatment of an animal" without an in-person examination. She maintains that the Henneke Body Condition Score opinion reached by Dr. Willis required, to be reliable, "the physical touch and visual inspection of an animal to determine an accurate body condition score." As Dr. Willis did not touch either horse, the body condition scores she provided could not have been accurate. Moreover, the two-dimensional photographs provided to Dr. Willis by Sewell did not provide an accurate depiction of either horse and were unreliable. That, and Dr. Willis's lack of "information concerning the feed for the horses, their shelter, the fields for them to run [in], and the availability of water and air," combined with her failure "to be present at the scene[,]" demonstrate that Dr. Willis's recommendation "was unreliable and unlawful under CR § 10-615(f)." From these premises, Riedell concludes that Dr. Willis "did not meet the standard of care of a licensed veterinarian in the State of Maryland[.]"

Pivoting, Riedell maintains that there was no probable cause because both the warrant application and the warrant required compliance with CR § 10-615. She asserts that the seizure of the horses was not permitted because there was not a proper recommendation by a veterinarian licensed in Maryland, and there was no evidence that seizure was necessary for the health of the animals. Riedell maintains that Sewell knew

there was adequate food, water, shelter, and open space for the horses, but that information was not disclosed in the warrant application submitted by Detective Buck. Because the warrant application failed to include all of the material information known to Sewell, it was not in accordance with CR § 10-615 and failed to provide probable cause for the seizure of the horses.

We are not persuaded.

Statutory Construction

We note first the well-established rules of statutory construction. "'The paramount object of statutory construction is the ascertainment and effectuation of the real intention of the Legislature.'" *Andrews & Lawrence Pro. Servs., LLC v. Mills*, 467 Md. 126, 149 (2020) (quoting *Whiting-Turner Contracting Co. v. Fitzpatrick*, 366 Md. 295, 301 (2001)). "The starting point of any statutory analysis is the plain language of the statute[.]" *Kranz v. State*, 459 Md. 456, 474 (2018). We take the statutory language "'as we find it, neither adding to nor deleting from it[.]'" *Hollabaugh v. MRO Corp*., 491 Md. 165, 176 (2025) (quoting *Westminster Mgmt., LLC v. Smith*, 486 Md. 616, 644 (2024)); *see also Woodlin v. State*, 484 Md. 253, 279-80 (2023) ("[W]e neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute, and we do not construe a statute with forced or subtle interpretations that limit or extend its application." (cleaned up)). "'If the language of the statute is unambiguous and clearly consistent with the statute's apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written, without resort to other rules of construction.'" *Noble v. State*, 238 Md. App. 153, 161 (2018) (quoting *Espina v. Jackson*,

442 Md. 311, 322 (2015)). In determining whether an ambiguity exists, we do not read the statute in a vacuum; rather, we review the statute's plain language "within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the Legislature in enacting the statute[.]" *Id.* at 162 (cleaned up). "In every case, the statute must be given a reasonable interpretation, not one that is absurd, illogical, or incompatible with common sense." *Id*. (cleaned up). If the words of a statute are ambiguous, "a court must resolve the ambiguity by searching for legislative intent in other indicia, including the history of the legislation or other relevant sources intrinsic and extrinsic to the legislative process." *Id*. (cleaned up).

The Required Recommendation

The specific language at issue is "[t]his section does not allow: … removal of a farm animal without the prior recommendation of a veterinarian licensed in the State." CR § 10-615(f). Black's Law Dictionary defines "recommendation" in part as "[a] specific piece of advice about what to do, esp. when given officially." *Recommendation*, BLACK'S LAW DICTIONARY (12th ed. 2024). There is nothing ambiguous about that word. The statute requires that, before removal, there must be advice from a licensed veterinarian before action or inaction becomes the chosen course.

Riedell's reading of *Rohrer* is misplaced. As Riedell concedes, that case involved different questions from those presented in the instant case and did not address CR § 10-615(f). The issues before the Supreme Court in *Rohrer* involved whether a humane society could seize an animal that was in State custody already, pursuant to a search and seizure warrant; whether a humane society could justify the seizure of an animal based on extant

conditions at the time of the seizure or whether the seizure could be justified by conditions observed previously; and, whether the denial of a petition for the return of an animal affects the owner's ownership rights to the animal. 454 Md. at 21.

In addressing those issues, the Supreme Court stated specifically that the case did not "present any issue under … Subsection (f)" of CR § 10-615. *Id.* at 24. The Court wrote:

> There is also no issue under Subsection (f), which requires approval of a veterinarian to seize a farm animal and which limits the statutory authority with respect to entry in a private dwelling. It appears to be undisputed that, in connection with the execution of the search and seizure warrant, a veterinarian recommended removal of the animals and that the seizure of Mr. Rohrer's farm animals did not involve entry into a private dwelling.

Id.

The Court's recognition, in footnote 29 or otherwise, that a veterinarian was present at Rohrer's farm and recommended seizure of certain animals did not create any requirements not included in the statute. Specifically, the Court did not conclude that the statute requires a veterinarian to be present at the time of seizure or conduct an in-person examination of each animal prior to recommending seizure. It recognized merely that the veterinarian in *Rohrer* was present on the scene which, we note, involved numerous farm animals of various species.

The *Rohrer* Court examined the terms "seize" and "remove" and, in doing so, reviewed the legislative history of CR § 10-615, noting that "[m]ost of the legislative enactments that created the provisions of CR § 10-615 pertinent to this case occurred before the General Assembly regularly compiled and preserved bill files." *Id.* at 27. As part of its legislative history review, the Court noted that a 1975 amendment to the statute "added a

special condition for removal of a *farm* animal – such an animal could not be removed without the recommendation of a licensed veterinarian." *Id.* at 32. The Court made specific determinations pertaining to the seizure and removal of animals, the required notice to an owner, and petitions for the return of the animals. *Id.* at 37. The Court reached ultimately three holdings: (1) although a humane society officer cannot take possession of animals already in State custody pursuant to a criminal search and seizure warrant, he or she can notify the owner of the animal of the humane society's intent to take possession of the animal upon their release from State custody under the warrant; (2) when a humane society officer takes possession of an animal pursuant to CR § 10-615 based on the alleged abuse or neglect of the animal, the conditions that justify the seizure of the animal need not be precisely contemporaneous with the seizure; and, (3) the denial of a petition for return of an animal does not vest the humane society with ownership of the animal. *Id.* at 49-50.

There is nothing in *Rohrer* from which it may be implied reasonably that CR § 10-615(f) requires a licensed veterinarian to be on the scene in order to reach a valid recommendation. Moreover, Riedell did not direct our attention to anything in the legislative history of CR § 10-615(f), and our research did not uncover anything, to suggest that the General Assembly intended to require a licensed veterinarian to be on the scene or to conduct an in-person, laying-on-of-hands examination prior to making his or her recommendation. To reach such a conclusion, we would have to inject language into the statute to reflect an intent that is not evident in its plain language. We decline Riedell's invitation to do so.

Riedell states that, "[i]n Maryland, a veterinarian is prohibited from making a diagnosis, prescribing medications, or even creating a veterinarian-patient relationship without first physically seeing an animal." She concludes that it was not proper for Dr. Willis to "make a recommendation for treatment of an animal" without examining the animal in person, and she asserts that the photographs of the horses were unreliable. Those arguments are immaterial because CR § 10-615(f)(2) requires only a "recommendation." The statute does not require either an antecedent diagnosis or the creation of a veterinarian-patient relationship. The clear and unambiguous language of the statute requires a recommendation and that is all.

II.

Validity of the Search Warrant

Riedell contends that the circuit court erred in granting summary judgment in favor of the State, the County, and Sewell because the search and seizure warrant was invalid and based on false and misleading statements. She argues that the State "obtained illegally" the warrant "under false pretenses" to enter upon the Keen property and "illegally seize" the horses. Riedell renewed her assertions that the seizure of the horses did not comply with CR § 10-615(f). As we have held, Dr. Willis's recommendation was sufficient to satisfy the requirement of subsection (f). Riedell maintains also that Sewell's reports contained inadmissible hearsay and information not based on personal observation. In addition, Detective Buck did not verify information provided by Sewell before submitting the warrant application, failed to disclose in the application that Dr. Willis's recommendation was based on two-dimensional photographs that were texted to her by

Sewell, and failed to disclose his intent to remove the horses from Calvert County. In addition, she asserts that the warrant application failed to acknowledge that the horses had proper food, water, air, space, shelter, and protection from the weather, and did not include photographs showing those things. Lastly, Riedell claims that there was no information provided to Detective Buck concerning the health of Citra that could justify reasonably her seizure. Once again, we are not persuaded.

"When confronted with whether a search warrant is legal, the question before us ordinarily is 'whether the issuing judge had a substantial basis to conclude that the warrant was supported by probable cause.'" *Williams v. State*, 231 Md. App. 156, 174 (2016) (quoting *Greenstreet v. State*, 392 Md. 652, 667 (2006)). "As a predicate for the issuance of a search warrant, probable cause simply means a fair probability that contraband or evidence of a crime will be found in a particular place." *Sweeney v. State*, 242 Md. App. 160, 185 (2019) (cleaned up). "To determine whether the issuing judge had a 'substantial basis,' we do not apply 'a *de novo* standard of review, but rather a deferential one.'" *Williams*, 231 Md. App. at 174 (quoting *Greenstreet*, 392 Md. at 667). We "apply the 'four corners rule' and confine our consideration of probable cause solely to the information provided in the warrant and its accompanying application documents." *Sweeney*, 242 Md. App. at 185 (cleaned up).

Probable cause "may be shown in the affidavit by a statement by the affiant 1) of his direct observations, or 2) of information furnished the affiant by someone else, named or unnamed, or 3) of a combination of the direct observations of the affiant and hearsay information furnished him." *Johnson v. State*, 14 Md. App. 721, 724-25 (1972) (cleaned

up); *see also Carroll v. State*, 240 Md. App. 629, 649 (2019) ("Probable cause may be established by either, or both, the direct observation of the affiant, or hearsay information furnished to the affiant."). "[W]here an affidavit 'taken as a whole creates a fair inference that a particular unsubstantiated assertion is probably correct, probable cause may be found to exist.'" *Carroll*, 240 Md. App. at 649-50 (quoting *Potts v. State*, 300 Md. 567, 575 (1984)).

Here, there was a substantial basis for concluding that the warrant was supported by probable cause. Detective Buck was free to rely on reports, including hearsay information, provided by Sewell. The warrant application contained details of communications with pertinent individuals including an in-person account of an inspection of the horses and the property where they were located, i.e., the Whipple accounts. The warrant application and affidavit included circumstances from which Detective Buck could conclude reasonably that the information he received from Sewell was credible and reliable and that there was a fair probability that contraband or evidence of a criminal violation would be found in a particular place on the Keen property. There was no requirement for Detective Buck to provide the basis for Dr. Willis's recommendation, nor was there any requirement to describe where the horses would be housed after a seizure. Riedell has not provided any authority to show that the County was prohibited from removing the horses from Calvert County to be cared for at a horse rescue facility in another county. Riedell's claim that there was adequate food, water, space, and shelter for the horses is immaterial in light of observations set forth in the warrant application and affidavit, specifically that Citra "appeared to be underweight" and that Bella appeared "severely underweight," that her

"ribs and hip bones … were protruding, and it appeared as though the skin had been stretched taught over the horse['s] skeleton." Moreover, notwithstanding Riedell's assertion that Citra was in "ideal condition" at the time she was seized, it was undisputed that Citra had not been weaned from Bella (as she should have been ordinarily) and that the two had become so attached to each other that it created problems were they to be separated for sale. For these reasons, the circuit court did not err in rejecting Riedell's claim that the search warrant was invalid and instead granting summary judgment in favor of the State.

III.

Tort Claims Against Dr. Willis and Tidewater

Riedell contends that the circuit court erred in granting summary judgment in favor of Dr. Willis and her employer, Tidewater, as to the claims of trespass to chattels and conversion because "all who aid or assist others in conversion and trespass to chattels are liable[.]" In *Staub v. Staub*, we discussed the distinction between claims of trespass to chattels and conversion, stating.

> "The modern law of conversion began with *Fouldes v. Willoughby*, 8 M.&W. 540, 151 Eng.Rep. 1153 (1841), where the court first drew a distinction between a mere trespass interfering with possession of a chattel, and a conversion, which must involve some exercise of the defendant's hostile dominion or control over it. From this there has developed the present rule, which regards conversion as an exercise of the defendant's dominion or control over the chattel, as distinguished from a mere interference with the chattel itself, or with the possession of it. Since any interference with the chattel is to some extent an exercise of 'dominion,' the difference between the two becomes almost entirely a matter of degree."

37 Md. App. 141, 143-44 (1977) (quoting Restatement (Second) of Torts, Topic 2 Conversion (1965)).[8]

Riedell argues that Dr. Willis and Tidewater "had a duty to refrain from giving illegal and unsupported opinions concerning the condition of the [h]orses without performing an actual examination" of them and that Dr. Willis breached that duty by issuing an "opinion" on the health of the horses based on photographs. As we have already held, the recommendation required by CR § 10-615(f) did not require an in-person physical examination of the horses. Moreover, there was no evidence that Dr. Willis ever took possession of the horses, exercised any dominion or control over them, or interfered with them in any way. For that reason, the circuit court did not err in granting summary judgment with respect to the claims of trespass to chattels and conversion.

As for the negligence claim against Dr. Willis and Tidewater, Riedell argued that Dr. Willis's recommendation was made "in violation of accepted veterinarian practices" because she relied upon two-dimensional photographs and did not see or touch the horses. Again, we have held that the plain language of CR § 10-615(f) does not require a veterinarian to conduct an in-person, hands-on examination of a horse in order to make a recommendation pursuant to that statute.

[8] "Although different measures of damages are applicable in trespass and conversion, these two forms of action provide alternative remedies for the same wrong. Where there has been a single interference with a chattel, the owner may recover for trespass or for conversion, but not for both." *Staub*, 37 Md. App. at 145.

Moreover, to prevail on a negligence claim, a claimant must demonstrate the existence of a duty, a breach of that duty, a causal connection between the breach of the duty and the injury suffered, and damages. *Hancock v. Mayor & City Council of Baltimore*, 480 Md. 588, 603 (2022); *Jacques v. First Nat'l Bank of Maryland*, 307 Md. 527, 531-32 (1986). "The analysis of a negligence action usually begins with the question of whether a duty existed[,]" *Corinaldi v. Columbia Courtyard, Inc.*, 162 Md. App. 207, 218 (2005), which is an issue of law that we review without deference. *Hancock*, 480 Md. at 603. "The duty element in a negligence action is 'an obligation to which the law will give effect and recognition to conform to a particular standard of conduct toward another.'" *Jacques*, 307 Md. at 532 (quoting J. Dooley, *Modern Tort Law*, § 3.03, at 18-19 (1982, 1985 Cum. Supp.)). Absent a duty, there can be no negligence. *Ashburn v. Anne Arundel Cnty.*, 306 Md. 617, 627 (1986).

In the case at hand, on more than one occasion, Riedell acknowledged that Dr. Willis did not have a veterinarian-client-patient relationship with her or her horses. Moreover, Riedell did not allege a special duty by virtue of a special relationship.[9] As there was no veterinary-client-patient relationship, and no special or contractual relationship between

[9] The creation

> of a "special duty" by virtue of a "special relationship" between the parties can be established by either (1) the inherent nature of the relationship between the parties; or (2) by one party undertaking to protect or assist the other party, and thus often inducing reliance upon the conduct of the acting party.

Remsburg v. Montgomery, 376 Md. 568, 589-90 (2003).

Riedell and Dr. Willis, Riedell is unable to establish the duty required to maintain a negligence action. For all those reasons, the circuit court did not err in granting summary judgment in favor of Dr. Willis and Tidewater.

Immunity

The County argued below that it was entitled to summary judgment on the ground of governmental immunity as to the tort claims pled in counts 3, 4, 5, and 6. Sewell argued similarly that she was entitled to summary judgment on the ground of public official immunity as to the tort claims pled in counts 4 and 5. Riedell opposed both claims of immunity. The claims against the County and Sewell in counts 3 through 6 were premised on the contention that the recommendation given by Dr. Willis and the subsequent warrant were invalid. In light of our holding that Dr. Willis's recommendation satisfied the requirements of CR § 10-615(f), we conclude that the circuit court did not err in granting summary judgment in favor of the County and Sewell on the tort claims set out in counts 3 through 6. As a result, we need not address whether either the County or Sewell were entitled to immunity.

JUDGMENTS OF THE CIRCUIT COURT FOR CALVERT COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.