

Circuit Court for Montgomery County
Case No.: C-15-CV-22-004039

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1212

September Term, 2024

RASHEED AHMED

v.

VPC ONE CORPORATION

Wells, C.J.,
Berger,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 28, 2025

*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.

Rasheed Ahmed,¹ appellant, as next of kin for his minor daughter, sued VPC One Corporation, appellee, in the Circuit Court for Montgomery County, alleging negligence. Ahmed’s claim arose after his daughter was bitten by a dog owned by a tenant of VPC One’s property.² The bite did not happen on VPC One’s property. After the parties completed discovery, VPC One moved for summary judgment. The circuit court held a hearing and granted the motion. This appeal followed.

We review a circuit court’s grant of summary judgment *de novo*. *Westminster Mgmt., LLC v. Smith*, 486 Md. 616, 637 (2024). In doing so, we “undertake[] an independent review of the record to determine whether a genuine dispute of material fact exists and whether the moving party is entitled to judgment as a matter of law.” *Id.* (cleaned up).

To hold VPC One liable for injuries inflicted by a tenant’s dog, Ahmed had to prove: (1) the dog at issue had “dangerous propensities”; (2) VPC One “had notice that the tenant’s dog posed a potential danger to humans”; and (3) VPC One “had some right of control over the tenant’s maintenance of the dog.” *Solesky v. Tracey*, 198 Md. App. 292, 316 (2011), *aff’d*, 427 Md. 627 (2012). Here, Ahmed’s claim failed at the first step.

¹ In the circuit court’s case caption, the appellant’s surname was spelled “Ahmee.” In his brief, filed in this Court, the appellant points out that his surname is, in fact, “Ahmed.” We correct the caption of this appeal to accurately reflect the appellant’s surname and use his correct name throughout this opinion.

² Ahmed also sued the dog’s owner personally, but she was dismissed from the case after Ahmed was unable to serve her with process.

To satisfy the first element—dangerousness—Ahmed had to show that the dog had exhibited viciousness or aggressive behavior before the injury at issue. *Id.* at 310, 315. Although he did not need to show that the dog had previously bitten someone to establish that the dog was dangerous, *see id.* at 319–21, he was required to show that the dog was “inclined to do the particular mischief that has been done.” *Slack v. Villari*, 59 Md. App. 462, 474 (1984) (emphasis omitted). He failed to do so.

The record reflects that the dog at issue here was an emotional support animal for the tenant’s child. VPC One was aware of the dog’s presence in the unit because the tenant had to request, as a reasonable accommodation under the Americans with Disabilities Act, an exemption from her lease’s general prohibition against pets. The record reflects also that VPC One received noise complaints about the dog’s barking from the tenant’s downstairs neighbor. There was no other evidence about the dog’s behavior.

Evidence that a dog barks, without more, is not enough to prove it had dangerous propensities. *See id.* at 476–77. Indeed, at the hearing on VPC One’s motion, Ahmed admitted that he did not have “any specific information about the viciousness of the dog[.]” Further, despite Ahmed’s argument, even if VPC One had a duty to inspect the premises upon receiving a noise complaint, there was no evidence to support the inference that an inspection would have uncovered the fact that the dog had dangerous propensities. *See*

Ward v. Hartley, 168 Md. App. 209, 220 (2006). Accordingly, the circuit court did not err in awarding summary judgment to VPC One.

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