Circuit Court for Frederick County
Case No.: C-10-CV-21-000434

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1264

September Term, 2023

MARION DENSON

v.

SPRINGWOOD HOSPITALITY, LLC

Graeff,
Ripken,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Meredith, J.

Filed: December 17, 2025

*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 Md. Rule 1-104(a)(2)(B).

Marion Denson, appellant, challenges defense judgments in favor of Springwood Hospitality, LLC ("Springwood"), appellee, on claims arising from her one-night stay at the Home2Suites by Hilton at 4850 Buckeystown Pike in Frederick. Ms. Denson's claims are predicated on what she contends were wrongful actions by Springwood that culminated in police being called by Springwood to escort her from the hotel.

Before trial, the Circuit Court for Frederick County granted partial summary judgment in favor of Springwood on Ms. Denson's counts alleging "unfair/deceptive trade practices," "invasion/loss of privacy," and "malice." At the conclusion of the trial on the merits, the jury returned verdicts in favor of Springwood on Ms. Denson's remaining two claims: breach of contract and negligence.

In this appeal, Ms. Denson presents six issues, which we have revised and rephrased as follows:

1. Did the motion court err in granting summary judgment on Ms. Denson's claims for deceptive trade practices and invasion of privacy?

2. Did the motion court abuse its discretion in denying Ms. Denson's motion to strike portions of her deposition transcript from the record?

3. Did the trial court abuse its discretion in denying Ms. Denson's motion to remove a juror for perceived partiality favoring Springwood?

4. Did the trial court err in allowing a defense witness to testify before Ms. Denson completed her case, over Ms. Denson's objection that she was feeling unable to proceed further that day?

5. Did the trial court err in admitting hearsay evidence from a witness called by the defense?

6. Did the trial court err in excluding an exhibit proffered by Ms. Denson to prove that Springwood granted her a late checkout?[1]

For reasons that follow, we shall affirm the judgment of the Circuit Court for Frederick County.

FACTUAL AND LEGAL BACKGROUND

Representing herself, Ms. Denson filed a complaint asserting five counts seeking damages based upon her experience as an overnight patron at one of Springwood's hotels. The five claims were: Count I - breach of contract; Count II - unfair/deceptive trade practices; Count III - invasion/loss of privacy; Count IV - negligence; and Count V - malice.

[1] In her brief, Ms. Denson frames the issues as follows:

1. Did the Circuit Court err in dismissing Appellant's claims for unfair/deceptive trade practices and invasion of privacy?

2. Did the Circuit Court err in denying (or failing to rule on) Appellant's motion to strike portions of a deposition transcript that were entered prematurely into the record by Appellee prior to Appellant's legally afforded time to sign the transcript and designate confidentiality?

3. Did the Circuit Court improperly allow an [sic] juror who demonstrated partiality to Appellee to remain on the jury?

4. Did the Circuit Court mishandle witness testimony, forcing Appellant to cross-examine a witness after the judge had adjourned for the day, and after Appellant had made clear that it was beyond her physical and intellectual capacity to proceed further that day?

5. Was hearsay evidence of Appellee's witness improperly admitted by the Circuit Court?

6. Was Appellant's key evidence improperly omitted by the Circuit Court?

Before trial, Springwood moved for partial summary judgment. After briefing and a hearing, the motion court granted the motion in part, and entered judgment in favor of Springwood on the counts asserting claims of deceptive trade practices, invasion of privacy, and malice.

The case proceeded to trial before a different judge. Before jury selection, the court reviewed some preliminary motions raised by Springwood's counsel, and then gave an overview of the voir dire process. At that point, Ms. Denson said "I have exhibits," and asked a question about the procedure for introducing exhibits. The following colloquy took place.

> MS. DENSON: . . . [A]nother attorney told me that it wasn't necessary to have three copies of exhibits. Do I need three copies?
>
> THE COURT: Here's what you'll do. If you want to introduce an exhibit –
>
> MS. DENSON: Yeah.
>
> THE COURT: -- you will, you will have it marked by the clerk –
>
> MS. DENSON: Okay.
>
> THE COURT: -- Plaintiff's Exhibit 1 –
>
> MS. DENSON: Okay.
>
> THE COURT: -- you'll show it to counsel, and then you will offer it into evidence. There's certain procedures that have to be followed before I can consider it –
>
> MS. DENSON: Okay.
>
> THE COURT: -- and then she can object if she wants, and then the Court will make a ruling as to whether it's admissible or not.
>
> MS. DENSON: Okay.

THE COURT: That's one of the difficulties in not having an attorney –

MS. DENSON: Right.

THE COURT: -- is, you may have relevant information that you want the Court to have but –

MS. DENSON: Right

THE COURT: -- if it's not introduced properly –

MS. DENSON: Right.

THE COURT: -- the Court cannot assist you and will not assist you.

MS. DENSON: Right.

THE COURT: I'll also make sure you get a fair trial and don't – the rules of evidence aren't thrown out the window –

MS. DENSON: Thank you.

THE COURT: -- understand, but –

MS. DENSON: Yes.

THE COURT: -- I cannot assist you, and I won't –

MS. DENSON: I understand.

THE COURT: -- but that being said, that's how the procedure works. If you want to introduce an exhibit, have it marked, make sure counsel sees it –

MS. DENSON: Okay.

THE COURT: -- then you can offer it into evidence, and the Court will make a ruling whether it's admissible or not.

MS. DENSON: Is that now?

THE COURT: No. It's whenever you want the exhibit to come in.

MS. DENSON: Okay. And –

THE COURT: So if it's through a witness, you'll do it through the witness.

MS. DENSON: Okay. . . . [I]f I only have one copy and present it as an exhibit and you take it and I'm allowed to do that, will I get that back or will I not?

THE COURT: Well, they're going to scan it, and then you'll get it back –

MS. DENSON: Oh, I would? Okay.

THE COURT: -- once it's scanned in. Yes.

MS. DENSON: Okay. Thank you. And –

THE COURT: All right? It's very difficult to try a jury trial as a lawyer, much less as a nonlawyer. So it's going to be difficult for you, and it's going to be frustrating, and there's going to be things that you don't understand that I'm doing, but it's because I'm following the law. If you want to represent yourself, you can, obviously, but all these laws and books up here –

MS. DENSON: Right.

THE COURT: -- that counsel went to law school for three years and passed a bar –

MS. DENSON: I know that.

THE COURT: -- to get, you're just as –

MS. DENSON: Yeah.

THE COURT: -- they apply to you just like they would [to your opposing counsel].

MS. DENSON: Okay.

THE COURT: Okay?

MS. DENSON: Okay. Well –

THE COURT: Anything else?

MS. DENSON: No.

Despite the trial judge's admonition, Ms. Denson was given liberal opportunity to testify expansively in a narrative fashion during her presentation of her case.

At trial, Ms. Denson testified that she had stayed at Springwood's hotel multiple times prior to the incident that was the subject of this suit. She said: "I have seven or eight receipts here from being at this same hotel." On the occasion that led to this suit, Ms. Denson arrived at Springwood's hotel after midnight on October 20, 2018. Accompanied by her adult daughter, she rented "a one-bedroom suite." Ms. Denson testified that, because of her late arrival, the night clerk who checked her in granted her request for a late checkout time of 1:00 p.m. rather than 11:00 a.m.

According to Ms. Denson, just before noon, she heard a knock at the door, and she then "called out to the person that [she] had a 1 o'clock checkout." She thought she heard "a man's voice" acknowledging her by saying "okay." A few minutes later, a phone in the living room area rang. But when she answered after the third ring, there was no one on the line.

Ms. Denson then called the front desk from her cell phone. The person who answered was "Beth," a Springwood employee with whom Ms. Denson previously had encounters in which Ms. Denson had felt that Beth was "disrespectful" to her. On this occasion, when Ms. Denson spoke, Beth said, "I can't hear you, sweetheart," and hung up. Although Ms. Denson called a second time, Beth again said she could not hear her. Ms. Denson did not "believe she couldn't hear" her.

According to Ms. Denson, "within approximately five minutes, very soon after that, three sheriffs knocked on [her] door." When she opened the door, "they just basically told [her] that [she] was being trespassed from the property[.]" When she asked why, given that she had been allowed to check in, one officer answered, "well, last night you were fine, it's what happened this morning" but "they don't have to have any reason, anybody can trespass anybody at any time they want." He told her, "no shower, no bath." He then "started filling out these trespass forms" and asking for driver's licenses while they "were getting clothes on."

Ms. Denson testified that she was upset "to have a police report that says . . . I locked myself in a hotel room and refused to leave[,]" pointing out that, "of course I locked myself in the room, but I never refused to leave, and I was never asked to leave[.]" She testified: "I would never refuse to leave a property, even with a 1 o'clock checkout."

Ms. Denson further told the jury that, after she filed this lawsuit, she received answers to interrogatories stating—falsely, she asserted—that she "wielded a knife at a housekeeper," from "a barricaded room[.]" She denied holding a knife and denied barricading the room. She testified: "I have never threatened anyone."

She further testified: "[A]ll they had to do was say to me, we don't want you to come into our hotel anymore, because they have a perfect right to do that[.]" She followed that up by testifying:

> So that is why it's a breach of contract, not because it happened an hour before my checkout. Okay? I just – you know, I will show you that and that it was noted and that everyone there got a copy. It's a Hilton app that they use from what I understand; that when it's put into the system, everybody that works there or at least housekeeping – everybody that works

> there, I think, gets that on their phone, that this room has this kind of checkout.

When Ms. Denson referred a second time to having receipts from prior stays, the court asked if she was trying to offer the receipts in evidence. She said she was, but they had not been marked for identification. The court asked: "And you're offering them to show that you've stayed there before and had a late checkout?" She replied: "Pretty much." "Also, that I was a frequent . . . guest there." This package of receipts was marked as Exhibit 1 and was admitted without objection. The package included documents that appeared to be hotel receipts for final paid bills for nine overnight stays at the "Home2 Suites by Hilton Frederick," the latest of which was the stay that led to this lawsuit. Six of the bills in the package bore a logo for Home2 Suites by Hilton. The documents indicated arrival dates of 6/7/2018, 6/12/2018, 6/13/2018, 6/14/2018, 7/31/2018 (for two nights), 8/7/2018, 9/26/2018, 10/5/2018, and 10/19/2018. Ms. Denson told the jury: "You'll see on the receipts . . . when I did stay there, I was always a late checkout. They always granted me a late checkout." None of these documents made any direct mention of a "late checkout" being requested or granted, but seven of the documents reflected a time in the afternoon hours next to the heading "Departure Date." The statement for the October 19-20 stay did not specify the time for either the "Arrival Date" or the "Departure Date."

After admitting Exhibit 1, the court asked Ms. Denson to mark her next exhibit as Exhibit 2. Ms. Denson had the clerk mark as Exhibit 2 for identification a copy of what appeared to be an enlargement of a photo of a mobile phone screen that she wished to introduce because she had told the jury that she had "a 1 o'clock checkout."

Although blurry, the image on the proffered exhibit appears to say "Guestroom 109 Home2 Suites Frederick" above an illegible line followed by text that appears to read:

> **Requested:** Late Check Out
> **Due:** Oct 20, 2018
> **Posted:** Oct 20, 2018 [illegible]:46 am by [illegible]
> **Description:** 1 PM C/O

The court asked Ms. Denson to "[t]ell me what that document is." But defense counsel interposed an objection, and a bench conference was conducted during which Ms. Denson said she was offering the exhibit to show that she "had a late checkout the day that [she was] staying there[.]" Because the court's ruling in which it refused to admit this exhibit at the time it was offered is the topic of Ms. Denson's sixth question on appeal, we will quote in its entirety the colloquy that led to that ruling. The bench conference proceeded as follows:

> THE COURT: Okay. So this is Plaintiff's Exhibit No. 2, and you want to offer this for what purpose? What is this?
>
> [MS. DENSON]: Just for them to see, because I spoke about the 1 o'clock checkout.
>
> THE COURT: That you had a late checkout the day that you were staying there –
>
> [MS. DENSON]: Yeah.
>
> THE COURT: -- that was in question?
>
> [MS. DENSON]: Yeah.
>
> THE COURT: Okay. And your objection, counsel?
>
> [DEFENSE COUNSEL]: My objection is, Your Honor, this is not an authenticated document. I asked Ms. Denson at her deposition if she knew how she got this, because – and to speak to, she did provide a colored copy,

but it has, like, a phone percent battery, and like, it's clearly a screenshot of something.

[MS. DENSON]: It has a what?

THE COURT: She believes it's a screenshot from your phone.

[DEFENSE COUNSEL]: Like, from a, from a phone.

[MS. DENSON]: Well –

THE COURT: From a phone.

[DEFENSE COUNSEL]: I mean, if she was – Ms. Denson didn't know whose phone, didn't know who took it, and wasn't –

[MS. DENSON]: No. I know whose phone.

[DEFENSE COUNSEL]: -- entirely clear as to –

THE COURT: Hang on.

[DEFENSE COUNSEL]: -- how she got it.

[MS. DENSON]: Oh, no. I know whose phone. I –

THE COURT: Okay.

[MS. DENSON]: -- don't remember all those questions, but again, I was very ill that morning too, but –

THE COURT: I understand, but I got to let her finish speaking first so I can – go ahead.

[DEFENSE COUNSEL]: During the deposition I asked Ms. Denson if she knew how she got it and she couldn't remember how it came from somebody's phone, because she has the hard copy and she wasn't entirely sure.

THE COURT: All right. Are you –

[MS. DENSON]: I don't remember that.

THE COURT: All right. Hang on a second.

[MS. DENSON]: See, I don't remember any of that.

THE COURT: Are you –

[MS. DENSON]: I know exactly how I got it.

THE COURT: Ma'am, you got to, got to let me finish. I let you finish. You got to let me finish.

Are you – what's the word I'm looking for? Are you saying that she didn't have a late checkout? Are you contesting whether she had a late checkout that day, because if you want to stipulate to it, I'll just – I won't introduce this and the information is there.

[DEFENSE COUNSEL]: I can't stipulate –

THE COURT: Can't do that –

[DEFENSE COUNSEL]: -- to that, yes.

THE COURT: -- because that's part of the case?

[DEFENSE COUNSEL]: Yes.

THE COURT: Okay. Fair enough.

[MS. DENSON]: Okay. Can I say something?

THE COURT: Sure can.

[MS. DENSON]: Again, I did state to the jury that that's not a big thing,[2] just happens to be an element –

[2] At multiple points during the trial, Ms. Denson told the jury that the 1:00 p.m. checkout was "not a big thing[.]" For example, on opening statement, Ms. Denson had told the jury: "This case is not about a one-hour checkout or time difference. It is not. That's just an element of the case." During her direct testimony, prior to the time she offered Exhibit 2 in evidence, she testified: "I'm going to tell you I had a 1 o'clock checkout. I really, I really hesitate talking about this 1 o'clock checkout because, again, it's not the reason I sued Springwood Hospitality at all." As previously noted, she also testified: "I (continued…)

THE COURT: Understand.

[MS. DENSON]: -- where they were at the door before the late checkout, but –

THE COURT: Okay.

[MS. DENSON]: -- but to me, in – can I say something to you?

THE COURT: That's what you're doing.

[MS. DENSON]: I have, I have broken crimes for police departments as a citizen –

THE COURT: Yes.

[MS. DENSON]: -- okay, in Arlington, Virginia. I have – I am a good detector of things that are not right.

THE COURT: Okay. So what –

[MS. DENSON]: So –

THE COURT: -- what does that have to do with this?

[MS. DENSON]: So that has to do with that is because my thought is that she's – that is not a big deal to me. In other words, if –

THE COURT: Okay. Well, let me, let me –

[MS. DENSON]: -- if –

THE COURT: -- here's what I'm going to tell you –

---

would never refuse to leave a property, even with a 1 o'clock checkout. . . . I would have left. . . . I don't want to be somewhere where somebody doesn't want me to be." "I never refused to leave, and I was never asked to leave[.]" After the court ruled that Exhibit 2 had not been properly authenticated, a witness for Springwood—Monae Singleton—testified that she was at the front desk on the date in question, and "there was no indication that there was a late checkout for the guest." On cross-examination, Ms. Denson asked Ms. Singleton no questions about her checkout time, and no questions about Exhibit 2.

[MS. DENSON]: Go ahead.

THE COURT: -- you already, you already got in front of the jury that you had a late checkout at 1:00 p.m. That has not been contested at this far – at that point –

[MS. DENSON]: Okay.

THE COURT: -- so they've heard it. You've testified to it.

[MS. DENSON]: Can I tell you where that came from? I said it was an app that was on a phone. Brittany, the girl that checked me in that night, gave it to me.

THE COURT: Okay.

[MS. DENSON]: I talked to her again.

THE COURT: Understand.

[MS. DENSON]: I couldn't find Brittany's number again, and the number probably that they had and provided with me [sic] might be the number that – Brittany called me from her own cell phone.

THE COURT: Okay.

[MS. DENSON]: **This, I think, was either an app they had on their own phone or maybe a hotel phone. I don't know** –

THE COURT: Okay. All right.

[MS. DENSON]: -- you know. So –

THE COURT: Okay. I've – **at issue is Plaintiff's Exhibit No. 2**. The plaintiff has requested – **it appears to be a copy of some sort of receipt. It has not been properly authenticated, as counsel for the Defense has indicated**. **She is correct. Plaintiff's Exhibit 2 is not received**; however, we're going to – it's part of the record.

* * *

THE COURT: All right. You guys can step back –

[MS. DENSON]: Like I said, I –

THE COURT: -- and you can keep going.

[MS. DENSON]: -- have a much better copy than that. That's a copy that I made of –

THE COURT: Okay. It's not, it's not the bad copy. It's just –

[MS. DENSON]: Okay.

THE COURT: -- it has not been properly authenticated. Evidence has to be properly authenticated before it can be received.

[MS. DENSON]: Okay.

THE COURT: Okay?

[MS. DENSON]: All right.

(Bench conference concluded.)

(Emphasis added.)

The exhibit was not reoffered at any later point before the close of evidence, even though several other exhibits were subsequently offered and admitted. Among other documents Ms. Denson later presented in support of her claims was a "sheriff's log of dispatching to the officers" that contains no mention of a knife. In addition, the parties stipulated that police did not issue any citation to Ms. Denson.

In interrogatory answers of Springwood that the trial judge read to the jury at Ms. Denson's request, Springwood stated that Ms. Singleton—who was a "front office manager and executed the letter of trespass notification"—did not "recall which" of two "housekeeping employee[s] went to the room where [Ms. Denson] was staying, but she [i.e., Ms. Singleton] remembers that [Ms. Denson] had barricaded herself in the room and

threatened the housekeeping employee with a knife." At a later point during the trial, Ms. Singleton testified similarly that the housekeeper had reported that when she attempted to enter Ms. Denson's room, the security latch was engaged but the housekeeper said she saw an occupant with a knife.

According to Ms. Denson, when she called the phone numbers given to her during discovery for Springwood's two housekeeping employees, one number was for a business that had "never heard of this person[,]" and the other number belonged to an eighty-year-old "front desk agent" who was never a housekeeper.

Ms. Denson also pointed to interrogatory answers regarding Springwood's "procedure for documenting late checkouts . . . , including the late checkout" at issue here, that "they used a software program exclusively patented for Hilton, called [Quore], to enter guest requests and/or notes." In other interrogatory answers disputed by Ms. Denson, Springwood stated that its "employees recall that Ms. Denson would typically arrive late in the evening . . . and would often make special requests . . . that the hotel was unable to accommodate," including for "valet parking, an amenity the hotel did not offer[,]" and for "a specific room" because Ms. Denson "wanted a bathtub."

Ms. Denson also challenged Springwood's interrogatory answer that stated Springwood was "not aware of" any prior communications about her. Contradicting that interrogatory answer, Ms. Denson testified that, "in one of the police logs, it says that they had problems with me in the past. They didn't. Beth might not have liked me in the past and others might not have, but . . . there was no problems."

After Ms. Denson announced that she had concluded her direct testimony, the trial judge initially indicated that the court would recess and defer the cross-examination of Ms. Denson until the following morning. But counsel for Springwood asked "permission to take a witness out of turn" because the witness had been "sitting here" since the lunch break and would only take about "20 minutes." Although Ms. Denson objected that she was "feeling extremely dizzy[,]" the court agreed to hear testimony from Ms. Singleton following a brief recess.

Ms. Singleton testified that, as "front desk manager" that day, she "was responsible for guest complaints, things of that nature." "[T]he regular checkout time" was 11:00 a.m. When a guest "stayed past their regular checkout time," the "process would be based on our occupancy." If

> we did not have too many check-ins the prior day, there would be notes on the reservation that would specify that the guest is . . . requesting a later checkout at 12:00 noon or 1:00 p.m., and then we would notify housekeeping so that they would not go to that room for it to be . . . cleaned.

Otherwise, there was no "standard process" but "[w]e would typically try calling the room or knocking on the door. If they still refused at that point, we would notify . . . the police."

According to Ms. Singleton, Ms. Denson was in a first floor room down the hall from the front desk. Ms. Singleton testified that she recalled

> being at the front desk and us reviewing that there was no indication that there was a late checkout for the guest. There was a housekeeper that attempted to enter the room, described that the guest inside had barricaded themselves inside and had presented a knife, which she could only see through a sliver of the door because there was . . . the latch on the door, and at that point, which she could be seen and heard, told us to call the police and that they had a knife.

Ms. Singleton called police, who supplied a "Letter of Trespass Notification" form that she completed and signed, "request[ing] that the guest [would] not return to our hotel after that." The notice, witnessed by a responding sheriff, identifies Ms. Denson by name, address, race, gender, date of birth, height, and weight.

On cross-examination, Ms. Singleton testified that she was not "aware of a man knocking on [Ms. Denson's] door at any point[.]" When Ms. Denson challenged the housekeeper's report of a barricaded guest with a knife, Ms. Singleton acknowledged that "the door could only be opened so much because . . . there was a latch on the door." Ms. Denson then asked whether Ms. Singleton recalled that, as Ms. Denson "was leaving," the police officer told Ms. Singleton that Ms. Denson "wanted to talk to" her. Ms. Singleton answered that she "recall[ed] that very well" and that she had answered "No."

During Springwood's cross-examination of Ms. Denson the next morning, she testified that she "was staying with a friend in D.C." at the time of this incident, but "needed a hotel for the night." She acknowledged that she had "a luggage cart" in her room, "very close to the kitchen area, which is right, as soon as you enter[.]" She did not open the door at the first knock. And she did not use the phone in the room to call the front desk after "they said they couldn't hear" her on her cell phone. Despite her unsatisfactory prior encounters with Beth, she never reported Beth for "calling [her] sweetheart[.]"

On redirect, Ms. Denson testified that, when she needed a place to stay that night, she chose that hotel in Frederick "to get away from the city" and "because [she] had always been able to go there and have a fairly . . . peaceful experience." Although the trespassing

experience had been "very traumatizing" for her and her daughter, she did not seek medical or other treatment from a doctor because of her religious beliefs and practices.

Ms. Denson called, as her only other witness, Barry Williams, the custodian of records for Frederick County's Emergency Communications Center. Mr. Williams testified that, during a call for assistance, any report of a weapon would be the sort of information that would be given "priority" to document "due to officers' safety[.]" Although there was no audio of Ms. Singleton's call about Ms. Denson, what Mr. Williams could discern from "the CAD event chronology and radio transmissions" was that the call was not made to 911 and that "there was no mention of a weapon."

After Ms. Singleton and Ms. Denson testified, Springwood did not present any additional witnesses or evidence.

The jury returned defense verdicts on Ms. Denson's breach of contract and negligence claims, finding that she had not proved that Springwood "materially breached its contract with [her,]" and had not proved that Springwood "was negligent and that negligence was the proximate cause of damage to [Ms. Denson.]"

DISCUSSION

According to Ms. Denson, Springwood's false and malicious report to police that she refused to leave and wielded a knife at the housekeeper resulted in three male sheriffs "accost[ing]" her and her daughter, then forcing them "out of the room [she] had paid for without showers[.]" That experience left her "exposed, humiliated and traumatized." Continuing to represent herself in this appeal, as she has throughout this litigation, Ms. Denson contends that the trial court erred or abused its discretion in its rulings on summary

judgment, on her requests to strike deposition testimony and remove a seated juror, and on her challenges to the conduct of the trial and the rulings on evidence.

Pointing out that Ms. Denson "does not cite to a single case or any other relevant authority in her Brief[,]" Springwood argues that, to the limited extent her contentions of error are preserved, Ms. Denson "has offered no basis for setting aside the jury's presumptively correct verdict" or the "trial court's grant of Springwood Hospitality's motion for partial summary judgment."

We address Ms. Denson's appellate questions as follows.

I. Pre-trial Order Granting Partial Summary Judgment

Ms. Denson's first question challenges the circuit court's grant of partial summary judgment in favor of Springwood, and asserts that the "[d]ismissed claims for invasion of privacy and unfair/deceptive trade practices should be tried[.]" But the argument set forth in support of the first question raised in Ms. Denson's brief is not sufficient for appellate review, and we will not address the question. Maryland Rule 8-504(a) requires: "A brief shall . . . include the following items[:] . . . (6) Argument in support of the party's position on each issue."

Ms. Denson's opening brief states: "[Ms. Denson] made arguments to the Circuit Court as to why her claims for invasion of privacy and unfair/deceptive trade practices should not be dismissed." Her brief continues as follows:

> Appellant discussed, inter alia, how as a consumer she relied on the representations of [Springwood's] Home2 property as a Hilton-standard hotel, a "second home," and the lofty "Springwood Essentials" boasted by [Springwood] in patronizing what was sold as a hospitable, peaceful, and welcoming hotel accommodation. Instead, she was treated like a criminal for

> no justifiable reason whatsoever. Her privacy rights were intruded upon when she was improperly exposed to three male sheriffs by the actions of [Springwood], and her highly personal information gathered on a Trespass Notice shared among employees of [Springwood] who displayed hostility and ill-intent towards her.
>
> On July 20, 2023, the Circuit Court [in its ruling upon Springwood's motion for summary judgment] dismissed [Ms. Denson's] claims for invasion of privacy, unfair/deceptive trade practices, and malice. The [motion] court stated, incorrectly, that there is "no evidence of the invasion of privacy" and "no evidence of the unfair and deceptive trade practice." **[Ms. Denson] herein asks the Appeals Court to review the dismissal of her claims of invasion of privacy and unfair/deceptive trade practices, and to reinstate those claims to be tried. [Ms. Denson] refers the Appeals Court to her responsive motions filed on May 31, 2023 and July 19, 2023 (pages 203-208 and 296-308, as referenced on the Appeal Index), as well as the ordered and transmitted transcript of the motion hearing on July 20, 2023.**

(Emphasis added.)

That is the extent of the argument included in Ms. Denson's opening brief on her first question. By asking this Court to simply review the record and come to a decision as to whether—and, if so, how and for what legal reasons—the motion court committed any reversible error of law, Ms. Denson has failed to meet her burden of including argument in support of her position on the first question in her brief. Both of Maryland's appellate courts have held that an appellant must provide more in the opening brief, and it is not sufficient to rely upon the appellee's response or additional arguments the appellant may set forth more adequately in the reply brief

This Court examined the predecessor of Rule 8-504(a)(6) in *Federal Land Bank of Baltimore, Inc. v. Esham*, 43 Md. App. 446 (1979). At that time, the required content of a brief was addressed by Md. Rule 1031(c)(2) and (5), which stated that a brief "Shall contain

. . . Argument in support of the position of the appellant." We made plain in *Esham* the mandatory nature of this rule of appellate procedure, stating:

> These provisions are mandatory and, therefore, **it is necessary for the appellant to present and argue all points of appeal in his initial brief**. As we have indicated in the past, our function is not to scour the record for error once a party notes an appeal and files a brief. *Von Lusch v. State*, 31 Md. App. 271, 281-282 (1976), *Rev'd on other grounds*, 279 Md. 255 (1977); *State Roads Commission v. Halle*, 228 Md. 24, 32 (1972) (it is not incumbent upon the court to scan the record for error at the mere suggestion of a party).
>
> In prior cases where a party initially raised an issue but then failed to provide supporting argument, this Court has declined to consider the merits of the question so presented but not argued. *Kimbrough v. Giant Foods, Inc*., 26 Md. App. 640, 654 (1975); *GAI Audio of New York, Inc. v. Columbia Broadcasting System, Inc*., 27 Md. App. 172, 182-183 (1975); *Van Meter v. State*, 30 Md. App. 406, 407-408 (1976); *see also Harmon v. State Roads Commission*, 242 Md. 24 (1965); *Ricker v. Abrams*, 263 Md. 509 (1971).

Esham, 43 Md. App. at 457-58. *Accord Beck v. Mangels*, 100 Md. App. 144 (1994).

We decline to address this first question that was inadequately argued in the Appellant's initial brief.

II. Pre-Trial Motion to Strike Deposition Testimony

Ms. Denson asserts that the motion court erred by denying her request to strike from the court file excerpts of her deposition testimony that Springwood had attached to its Supplemental Motion for Summary Judgment as Exhibit C. She elaborates in her brief that Springwood had filed the excerpts of her deposition testimony despite the fact that "the time allowed for Appellant to sign the transcript and make confidentiality designations had not yet passed[.]" Although Ms. Denson does not cite the pertinent rule in her brief, she appears to be relying upon Maryland Rule 2-415(d), which provides, in pertinent part:

> Within 30 days after the date the officer mails or otherwise submits the transcript to the deponent, the deponent shall (1) sign the transcript and (2) note any changes to the form or substance of the testimony in the transcript on a separate correction sheet, stating the reason why each change is being made.

Ms. Denson argued to the motion court that Springwood had filed excerpts of her deposition transcript in support of its motion for summary judgment before her thirty days for reviewing the transcript had expired, and therefore, she wanted those excerpts stricken from the record because "Springwood once again violated Ms. Denson's privacy rights in exposing them [i.e., the deposition excerpts] prematurely." Indeed, she includes another such request in her brief in this Court wherein she states: "Appellant herein asks the Appeals Court to reverse that denial [of her request by the motion court], . . . and order that the portions of Appellant's deposition attached to Appellee's [exhibit to the motion for summary judgment] be sealed or stricken f[ro]m the record."

Springwood points out in its brief that Ms. Denson "has not identified any specific portions of her deposition transcript to which she objects[.]" Springwood further responds that Ms. Denson "has not alleged that any restricted information was filed but objects to the inclusion of portions of her deposition testimony in the record solely because it was filed before she was afforded thirty (30) days to complete an errata sheet."

We discern no legal or factual basis for striking the challenged excerpts from Ms. Denson's deposition. "The deposition of a party . . . may be used by an adverse party for any purpose." Md. Rule 2-419(a)(2). Although Ms. Denson predicated her request to strike her testimony on a desire to ensure its accuracy, she has not identified the specific

"corrections or other changes" she wished to make during the period provided for in the Rule.

We are not persuaded that the motion court erred by failing to strike her deposition testimony.

III. Motion to Strike Juror

Ms. Denson contends that the trial court abused its discretion in refusing to strike a juror on the ground that "his looks and demeanor demonstrated a clear liking for Springwood's counsel, and *disdain* for" her. Springwood responds that the court did not abuse its discretion in refusing to strike this juror because Ms. Denson "did not allege any juror misconduct, just that a juror looked at her without smiling."

When a party challenges the behavior of a sitting juror during trial, courts recognize that "not every trivial act on the part of the juror amounts to such misconduct as requires the withdrawal of [that] juror[.]" *Safeway Trails, Inc. v. Smith*, 222 Md. 206, 217-18 (1960) (cleaned up). *See generally Cooch v. S & D River Island, LLC*, 216 Md. App. 275, 290 (2014) ("On a new trial motion based on jury misconduct, it is the trial judge who must decide whether the admissible evidence establishes a probability of prejudice. The trial judge's decision will then be assessed on an abuse of discretion standard."). For appellate courts, "[t]he better rule" is to allow the trial judge to exercise his or her discretion in determining whether there has been some "palpable injustice." *Safeway Trails*, 222 Md. at 217-18 (cleaned up). In conducting our appellate review, we remain mindful that the burden of establishing grounds for striking a juror on the basis of suspected partiality is on the challenger to show that the juror in question harbored "such an opinion . . . as will raise

the presumption of partiality" *based on factors extrinsic to the matters on trial*. *Irvin v. Dowd*, 366 U.S. 717, 723 (1961) (cleaned up).

The record in this case does not support Ms. Denson's contention that the trial judge erred by denying her partiality challenge. After the jury was seated, Ms. Denson delivered her opening statement. Springwood's counsel also delivered an opening statement. The court then dismissed the jury for a lunch break. After the jury had left the courtroom, Ms. Denson asked permission to speak. The following colloquy took place.

> THE COURT: What do you need?
>
> MS. DENSON: I feel like I have – I'm having – I'm trying to work with this, but I'm – but I feel like one of the jurors is totally not going to be fair, and I have a reason to say that.
>
> THE COURT: What's the reason?
>
> MS. DENSON: **Well, he looked over at Ms. [Defense Counsel] at one point after they were sat, and he smiled at her –**
>
> THE COURT: Okay.
>
> MS. DENSON: -- almost in a way that he knew her, almost in a way –
>
> THE COURT: Ms. [Defense Counsel], you don't know any of the jurors, do you?
>
> [DEFENSE COUNSEL]: I don't know any of the jurors.
>
> * * *
>
> MS. DENSON: But, I mean, you can, you can also smile at someone like that but not, not have known them, maybe if there's an understanding or something.
>
> * * *

> THE COURT: What do you want me – what do you want me to do?
>
> MS. DENSON: But then – well, I don't know, but **he also, then, looked at me not long after that, and there was no smile**. He almost looked at me with – as if somebody who would look at somebody – **the looks were very different**.
>
> THE COURT: . . . You have to tell me what you're asking me to do.
>
> MS. DENSON: Well, possibly, that he be removed.
>
> * * *
>
> THE COURT: [Y]our motion to strike a juror after opening statements is denied.

(Emphasis added.)

Ms. Denson gave no other reason for striking the juror aside from her perception that he had smiled at opposing counsel but had not smiled (and perhaps had frowned) at her. She does not point to anything else in the record to support her assertion that the juror was biased against her. At no point after the court denied her request to strike the juror did Ms. Denson bring to the court's attention any further examples of troubling behavior on the part of that juror. And at no point did she renew her request to strike the juror.

The trial court declined to remove the juror based on Ms. Denson's only articulated concerns about how the juror was reacting during or after opening statements before the testimony began. *Cf. Schwartz v. Johnson*, 206 Md. App. 458, 496-97 (2012) (recognizing that "where the trial court has the opportunity to observe the juror's demeanor, we will defer to the court's observations" supporting its "decision not to strike [a juror] for sleepiness or inattentiveness"); *Owens-Corning Fiberglas Corp. v. Mayor & City Council of Baltimore City*, 108 Md. App. 1, 29 (1996) (recognizing that trial judge's exercise of

discretion to deny a new trial based on "matters concerning juror misconduct or other irregularities that may affect the jury" will not be disturbed on appeal except for extraordinary and compelling reasons).

Ms. Denson has offered no grounds (other than one smile and a frown) to believe this juror had any prior knowledge of either her or defense counsel, or had any relationship with Springwood. The transcript indicates that she merely perceived that, during the opening statement phase of the trial, he appeared to be responding more favorably toward defense counsel than toward her. In the absence of any indication—or even allegation—of actual misconduct or partiality stemming from extrinsic bias unrelated to the courtroom proceedings, we perceive no abuse of discretion in the trial court's denial of Ms. Denson's request to dismiss the juror for smiling at defense counsel before any evidence had been presented.

IV. Challenge to Order of Witness Examination

Ms. Denson contends that the circuit court prejudiced her by allowing defense witness Ms. Singleton to "testify out of turn," over Ms. Denson's objection. Springwood responds, quoting Md. Rule 5-611(a), that the court did not abuse its broad discretion '"over the mode and order of interrogating witnesses and presenting evidence so as to . . . avoid needless consumption of time.'"

Under Md. Rule 5-611(a), a trial "court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) *avoid*

needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment." (Emphasis added.)

Here, the challenged decision of the trial judge to take a defense witness out of turn occurred near the end of the first day of trial. After completing her presentation of her own "direct" testimony, Ms. Denson told the court that she had presented all of the testimony, witnesses, and documents in support of her claims. The trial judge's initial response was that, even though the court would normally go later in the afternoon, the judge would recess until the following morning. Ms. Denson said she welcomed the early recess because she "flew in on a red-eye" from her home in California on the day before trial. But defense counsel pointed out that the defense had a witness available whose testimony would take just twenty minutes, and who had been present in the courthouse all afternoon. Counsel asked permission to call Ms. Singleton "out of turn." Ms. Denson then told the court that she was "feeling extremely dizzy right now[,]" and she did not know how she was going to cross-examine this person. After receiving assurances from defense counsel that the testimony of that witness would conclude by 4:30 p.m., the trial court ruled that Springwood could call Ms. Singleton out of turn "because the witness is here and this will keep us moving." The court repeated that the witness would "be done by 4:30, . . . the time the courthouse closes."

After a brief restroom recess requested by Ms. Denson, Ms. Singleton testified. Her direct and cross-examination testimony covers just six double-spaced pages of the transcript. Ms. Denson cross-examined Ms. Singleton, and successfully elicited admissions that the latched door to her room "could only be opened so much[,]" which would have

limited anything the housekeeper could have seen, and that Ms. Singleton had refused Ms. Denson's request to speak to her that afternoon after the sheriffs arrived on the scene.

In the absence of an abuse of discretion, an appellate court generally will not overrule a trial court's decision pursuant to Rule 5-611(a) regarding the conduct of a trial. "Wide discretion as to the course of the trial is vested in the trial court, and the exercise thereof will not be reversed absent an abuse of discretion." *Braxton v. Faber*, 91 Md. App. 391, 397 (1992) (finding no abuse of discretion in the trial judge's decision to permit taking a witness out of turn). And an appellate court will generally not find an abuse of discretion unless the trial court's ruling was "beyond the fringe" of rulings that the appellate court would find "minimally acceptable." *Harford Mem'l Hosp., Inc. v. Jones*, 264 Md. App. 520, 538-39 (2025) ("A trial court abuses its discretion when it makes a decision that is well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." (cleaned up)).

Here, the trial judge's decision to take one witness out of turn in order to keep the trial moving was not a ruling that was beyond the fringe of rulings that an appellate court would find "minimally acceptable." Indeed, we suspect that most trial judges would have made the same ruling as the trial judge did under the circumstances presented here. We are satisfied that the trial court did not abuse its discretion when it permitted one defense witness to testify before Ms. Denson completed her case-in-chief.

V. Hearsay Challenge

Although Ms. Denson concedes that she did not object when Ms. Singleton was on the witness stand and testified what the housekeeper told her, Ms. Denson now contends that a portion of Ms. Singleton's testimony was inadmissible hearsay, and she asserts that "the judge could have interjected himself" on her behalf "but he did not." Springwood counters that Ms. Denson waived her belated hearsay challenge, both by failing to object and by later offering the same evidence. Moreover, the testimony was not hearsay, Springwood argues, because it was not admitted for the truth of what the housekeeper said, but instead to show the impact such information had on Ms. Singleton, i.e., causing her to summon to police.

We agree that, by not making a timely objection when Ms. Singleton testified and repeated statements the housekeeper allegedly made to her, Ms. Denson failed to preserve her hearsay objection. Our rules require: "An objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent. Otherwise, the objection is waived." Md. Rule 2-517(a). Here, Ms. Denson did not object when Ms. Singleton testified that

> [t]here was a housekeeper that attempted to enter the room, described that the guest inside had barricaded themselves inside and had presented a knife, which she could only see through a sliver of the door because there was the, the latch on the door, and at that point, which she could be seen and heard, told us to call the police and that they had a knife.

This evidentiary issue was not preserved for appellate review, and we do not consider it further.[3]

VI. Exclusion of "Late Checkout" Image

Ms. Denson's final challenge is to the trial court's exclusion of evidence marked for identification as Plaintiff's Exhibit 2, which she proffered to be a document that would show she had a late checkout time. After defense counsel objected that the exhibit had not been authenticated, but appeared to be "a screenshot of something[,]" Ms. Denson proffered to the court that she had, at some unspecified point after the incident, talked to "Brittany, the girl that checked me in that night" and Brittany "gave it to me." Referring to the image shown on Exhibit 2, Ms. Denson explained to the court: "This, I think, was either an app they had on their own phone or maybe a hotel phone. I don't know –" continuing: "-- you know. So –[.]"

At that point, the court ruled that the exhibit "appears to be a copy of some sort of receipt[,]" but "[i]t has not been properly authenticated," and "Exhibit 2 is not received[.]" We have reproduced above, more fully, the transcribed colloquy that preceded the trial court's ruling that Exhibit 2 would not be admitted at the point it was offered; and it was never offered a second time later during the trial.

[3] Although we do not decide this unpreserved question, we note that Springwood argues in the alternative that, even if Ms. Denson had timely objected to Ms. Singleton's testimony about the housekeeper's out-of-court statement, the trial court would not have erred in concluding that evidence was admissible as a relevant extrajudicial statement offered for the nonhearsay purpose of showing that Ms. Singleton "relied on and acted upon the statement" by calling police, not "for the purpose of showing that the facts asserted in the statement are true." *Parker v. State*, 408 Md. 428, 438 (2009).

The standard for appellate review of a trial court's ruling as to authenticity is whether the trial court committed an abuse of discretion. *Mooney v. State*, 487 Md. 701, 717 (2024) ("An appellate court reviews for abuse of discretion a trial court's determination as to whether an exhibit was properly authenticated."). The Supreme Court of Maryland observed in *Perry v. Asphalt & Concrete Services, Inc.*, 447 Md. 31, 48 (2016): "Generally, 'whether a particular item of evidence should be admitted or excluded is committed to the considerable and sound discretion of the trial court' and reviewed under an abuse of discretion standard. *Ruffin Hotel Corp. of Md., Inc. v. Gasper*, 418 Md. 594, 619 (2011) (internal quotation marks omitted)."

Although the exhibit does make reference to a late checkout, Ms. Denson's testimony did not adequately explain what the image was, or how it came into being, and she was not a person who could provide the foundation necessary to offer the document as a business record of Springwood. Prior to offering Exhibit 2 into evidence, Ms. Denson did not testify that it was a copy of something that had been given to her on the date she checked into, or out of, the Springwood hotel. All she was able to tell the trial court at that point in the trial was that she had somehow received this image at some unspecified time from the person who had checked her in on the night in question. Springwood contends that information was not adequate to persuade the court of the exhibit's authenticity as a record of Springwood.

Although Ms. Denson asserts on appeal that Springwood's "own witness – an employee of the hotel – would have been able to authenticate it had [Ms. Denson] been able to present it to her during cross-examination[,]" she never asked Ms. Singleton any

questions about the hotel's alleged app or the image that appears on Exhibit 2. And although she contends on appeal that some of the additional testimony she gave during her deposition should have been sufficient to authenticate the document, her deposition testimony was not part of the trial record, and was not something she asked the judge to consider during trial, either before or after the judge ruled on authentication.

Based upon the limited foundation testimony Ms. Denson had presented to the trial court prior to offering Exhibit 2 for admission in evidence, we are not persuaded that the court committed an abuse of discretion in denying admission at that point in the proceedings. Even though the standard for authentication imposes a low hurdle, *see Mooney*, 487 Md. at 728 ("[T]here must be sufficient evidence for a reasonable juror to find by a preponderance of the evidence that the video is authentic."), a trial judge's assessment of whether the proponent has cleared that hurdle is reviewed for abuse of discretion. *Id*. at 717. Here, the trial court's decision not to admit the exhibit into evidence at that point in the trial, based upon the foundation testimony as of that point, was not a decision that was beyond the fringe of rulings that an appellate court would find "minimally acceptable." *Harford Mem'l Hosp.*, 264 Md. App. at 538-39. Because Ms. Denson did not testify how or when the image was generated, and was equivocal as to how it came into her possession, the trial court did not abuse its discretion in excluding Exhibit 2 for lack of authentication.

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