

Circuit Court for Baltimore County
Case No. C-03-FM-19-002227

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1270

September Term, 2025

PATRICK V. REDGATE

v.

AMY E. REDGATE

Reed,
Kehoe, S.,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: March 19, 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

The appeal before this Court concerns a child custody case redux¹ between Patrick V. Redgate (“Appellant”) and Amy E. Redgate (“Appellee”). On June 10, 2025, the Circuit Court for Baltimore County entered an order modifying custody between the parties, and subsequently denied Appellant’s efforts to alter or amend the order. Appellant poses the following question for our review:² Did the court err in entering the Order and denying the

¹ The parties were previously before this Court on procedural grounds concerning their custody dispute. *See generally Redgate v. Redgate*, No. 0756, 2025 WL 425508 (Md. App. Feb. 6, 2025) (“*Redgate I*”).

² For legal clarity, we have condensed the several questions presented by Appellant into one question. The original questions as presented in the Appellant’s Brief are as follows:

1. Did the circuit court abuse its discretion and violate Father’s right to due process by denying his request for an evidentiary hearing and refusing to investigate prima facie evidence that the May 30, 2025 Memorandum Opinion and the June 10, 2025 custody modification order were disclosed ex parte to Mother before those rulings were docketed?
2. Did the circuit court err in denying Father’s motion for recusal where the allegations of premature, ex parte disclosure concerned potential misconduct in the judge’s own chambers, such that the court’s impartiality might reasonably be questioned under Maryland Rule 18-102.11?
3. Did the circuit court err in denying Father’s Exception No. 7 and adopting the magistrate’s adverse credibility finding that Father “admitted” a process server came to his residence and refused service, when the transcript shows he consistently denied knowing the individual was a process server?
4. Did the circuit court abuse its discretion in entering and refusing to vacate the June 10, 2025 custody modification order, which effectively reinstated the previously vacated May 15, 2024 order despite uncontroverted evidence of Mother’s ongoing withholding of the children and misuse of medical decision-making authority to exclude Father?
5. Did the circuit court fail to comply with this Court’s February 6, 2025 mandate by treating the remand as an opportunity simply to re-enter the

Motion to Vacate? For the foregoing reasons, we answer in the negative and affirm the circuit court's ruling.

I. FACTUAL & PROCEDURAL BACKGROUND

Appellant and Appellee received a Judgment of Absolute Divorce on October 30, 2020, which awarded joint legal and shared physical custody of their two children (“Minor Children”) through incorporation of a Marital Settlement Agreement. Several years later, the parties revisited their arrangement via a custody modification hearing that took place before a magistrate on April 9–10, 2024. After this hearing, the Magistrate’s Report and Recommendations (“Magistrate’s Report”) was entered on April 30, 2024. Appellant responded by filing two documents: Exceptions to the Magistrate’s Report and Recommendations (“Exceptions”)³ and Motion to Extend Time to File Exceptions,⁴ which were both denied by the circuit court. The court, per the Hon. Jan M. Alexander, adopted the Magistrate’s Report and issued a modified custody Order on May 15, 2024 at 9:47 a.m. (“May 2024 Order”). The Circuit Court, per the Hon. Colleen A. Cavanaugh, denied the Appellant’s Exceptions to the Magistrate’s Report as untimely filed. Appellant then appealed the May 2024 Order to this Court, arguing that the circuit court erred in its denial of his Motion to Extend Time to File Exceptions because the court served the Magistrate’s

vacated order, rather than exercising independent judgment on Father’s exceptions to the magistrate’s recommendations as required by Maryland law?

³ Filed in MDEC on May 15, 2024 at 12:03 a.m.

⁴ Filed in MDEC on May 16, 2024 at 11:56 p.m.

Report via mail. In an unreported opinion, we vacated the May 2024 Order, the denial of the Exceptions, and the denial of the Motion to Extend Time to File Exceptions. *Redgate I*, 2025 WL 425508 at *6.⁵ This Court remanded the case to the circuit court with instructions to hold a hearing on the Exceptions filed by Appellant. *Id.*

Following the remand to the circuit court, a hearing on the Exceptions was held before the Hon. Keith R. Truffer on March 17, 2025. Following the hearing, a Memorandum Opinion and Order (“Opinion and Order”) was entered on June 3, 2025. The Opinion and Order referenced the Exceptions, the Magistrate’s Report, the transcript of the April 9–10, 2024 hearing, and the arguments presented during the March 17, 2025 hearing. The court ultimately denied Appellant’s Exceptions and adopted the Magistrate’s Report.

On June 10, 2025, the court entered an Order that modified custody between the parties (“Modified Custody Order”). The Modified Custody Order also specified that consideration was given to the Magistrate’s Report and the denial of the Exceptions. On June 20, 2025, Appellant filed a Motion to Vacate Order, for Recusal of the Presiding Judge, and for an Evidentiary Hearing (“Motion to Vacate”). Appellant claimed two instances of premature, ex parte disclosure of the court’s rulings to the opposing party and requested that Judge Truffer recuse himself based on the alleged disclosures. On July 21,

⁵ We determined the circuit court abused its discretion by denying the Motion to Extend Time, as the filing should have been treated as a motion to revise under Rule 2-535(a). *Redgate I*, 2025 WL 425508 at *6. The central issue concerned service of the Magistrate’s Report via mail instead of service through MDEC, which we determined was a service irregularity preventing Appellant’s Exceptions from being heard. *Id.*

2025, the court denied the Motion to Vacate as being without legal or factual basis. Appellant timely appealed to this Court on August 21, 2025.

Additional facts will be included in the discussion as they become relevant.

II. DISCUSSION

Appellant is a *pro se* litigant, and the Appellant's Brief presented relevant facts, legal arguments, and procedural details intertwined with what can at best be described as tangential information. Common court practice uses "less stringent standards" when dealing with *pro se* litigants, with their filings construed more liberally than those of represented parties. *Simms v. State*, 409 Md. 722, 731 (2009) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Accordingly, we have organized Appellant's issues to the best of our ability below.

A. Failure to Comply with the Remand Order

We quickly address and dispose of Appellant's argument that the circuit court disregarded this Court's remand order. Appellant contends that the trial court erred because, after the remand, it considered the same Magistrate's Report that was involved in *Redgate I*. We find no merit in this assertion. In *Redgate I*, we concluded Appellant was entitled to a hearing on his Exceptions to the Magistrate's Report of April 30, 3034. 2025 WL 425508, at *6. While this Court's remand included instructions for a hearing, the court's decision following the hearing was not predestined. Our order was "deliberately open-ended," as the procedures chosen upon remand are decisions best left to the lower court. *See People's Couns. for Baltimore Cnty. v. Country Ridge Shopping Ctr., Inc.*, 144

Md. App. 580, 593 (2002). The circuit court held a hearing on the Exceptions on March 17, 2025, as instructed by the remand order. While the outcome of the hearing may not have been what Appellant had hoped for, this alone does not demonstrate the court's failure to adhere to the prior *Redgate* opinion. *Redgate I* afforded the Appellant on a hearing to his Exceptions to the Magistrate's Report of April 30, 2024: nothing more, nothing less. As such, the court properly complied with the remand order by holding a hearing on the Appellant's Exceptions.

B. Challenges to the Modified Custody Order

Appellant argues that the court abused its discretion in adopting the magistrate's findings, as the magistrate's description of Appellant's testimony was factually incorrect. A court solely decides to grant an order of its own independent disposition, with the factual findings of the magistrate serving as a guide to a court's individual assessment. *Wenger v. Wenger*, 42 Md. App. 596, 604 (1979). Unless the findings of fact from a magistrate's report are clearly erroneous, the report will be considered prima facie correct and will not be disturbed. *Id.* (quoting *Bris Realty v. Phoenix*, 238 Md. 84, 89 (1965)).

We review custody determinations for an abuse of discretion, deferring to the trial court's observations as to the "demeanor and the credibility of the parties and witnesses." *Santo v. Santo*, 448 Md. 620, 625 (2016) (citing *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)). Custody orders are within the sound discretion of the trial court. *Barrett v. Ayres*, 186 Md. App. 1, 10, (2009). Therefore, custody decisions will not be modified absent "a showing of a change in circumstances justifying a change in custody to

accommodate the best interest of the child.” *Domingues v. Johnson*, 323 Md. 486, 493 (1991) (quoting *Hardisty v. Salerno*, 255 Md. 436, 439 (1969)).

We perceive no error in the circuit court’s use of findings of fact, as the court clearly stated “in exercising its independent judgment, the [c]ourt reaches the same result as did the Magistrate as to the best interest of the Minor Children and the recommended modification of custody.” The circuit court’s Opinion and Order addressed credibility concerns, noting “[o]bviously, there were conflicts in the testimony.” However, the court gave careful consideration to the parties’ arguments and the evidence presented to the magistrate. Ultimately, the court’s own finding was consistent with the Magistrate’s Report. Appellant’s attempts to relitigate the Magistrate’s Report findings are misguided, given the court’s consideration of the Magistrate’s Report as only one part of its overall assessment. As such, we perceive no error in the circuit court’s use of the Magistrate’s Report in its overall determination.

Appellant’s assertion that the circuit court failed to exercise its independent judgment is further unpersuasive and unsupported by our review. At the exceptions hearing, the circuit court had the opportunity to hear from the parties themselves. The court’s Opinion and Order acknowledged more than just the Magistrate’s Report, noting additional considerations given to the Exceptions, the transcript of the April 9–10, 2024 hearing, and the arguments presented during the March 17, 2025 hearing.

Appellant summarily argues that circuit court abused its discretion by granting the Modified Custody Order, pointing to Appellee’s actions regarding one Minor Child’s

mental-health treatment, medical appointments, and increased medication following the vacated May 2024 Order. We will not consider arguments not sufficiently briefed or presented and are under no expectation to delve into the record and find factual support and favorable law for parties themselves. *Klauenberg v. State*, 355 Md. 528, 552 (1999); *Van Meter v. State*, 30 Md. App. 406, 408 (1976). Appellant asks us to vacate the Modified Custody Order. We will give Appellant's argument a liberal construction as a *pro se* litigant. *See Simms*, 409 Md. at 731. However, the Appellant neither argues sufficiently nor raises any issues with the substantive merits underlying the Modified Custody Order. Importantly, Appellant does not argue before us why or whether the decision would not have been in the best interest of the Minor Children. In other words, although the Appellant has raised this argument, he has provided nothing of substance to support it.

We determine there was sufficient evidence to support a finding that a material change had occurred. The court's Opinion and Order shows that the court determined the overall management concerning one Minor Child's medical treatment raised valid health concerns and impacted one Minor Child's ability to engage with Appellant. We also hold the court did not abuse its discretion in modifying the custody arrangement. The court's Opinion and Order shows the court determined both parties were fit and capable parents who love and care about their children, but that the communication between the parties and medical treatment raised legitimate concerns about its impact on the Minor Children. The Modified Custody Order was therefore based on findings not clearly erroneous, and the court ruled upon sound legal principles. *See Gillespie v. Gillespie*, 206 Md. App. 146, 175

(2012) (considering various factors, material changes of circumstances, and custody modification).

Appellant's arguments to vacate the Modified Custody Order are unpersuasive, particularly given Appellant's lack of explanation *why* the court's decision was not in the best interest of the Minor Children. While the court's assessment may appear "harsh" to a loving parent, this factor alone does not constitute an abuse of discretion. *Gizzo v. Gerstman*, 245 Md. App. 168, 206 (2020) (citing *Viamonte v. Viamonte*, 131 Md. App. 151, 162 (2000)). Thus, the circuit court did not err considering the Magistrate's Report in their overall assessment and did not abuse its discretion in granting the Modified Custody Order.

C. The Denial of the Motion to Vacate

Appellant argues that the circuit court abused its discretion by denying the Motion to Vacate, the requests for an evidentiary hearing, and the request for Judge Truffer's recusal from the case. Appellant argues that the circuit court violated the *Redgate I* opinion and remand order by not exercising its own independent decision. This argument is without merit. In Appellant's view, the circuit court did not meaningfully revisit the magistrate's analysis and repeatedly invoked deference to the magistrate's credibility findings.

Appellee counterargues that the circuit court did not abuse its discretion in denying the Motion to Vacate, as the court had no obligation to grant a hearing based on evidentiary purposes. In Appellee's view, the court properly followed this Court's remand order since the circuit court independently reviewed and appropriately considered the magistrate's

assessment. Appellee further argues that the circuit court correctly deferred to the first-level findings, because witness credibility is a determination reserved for the magistrate.

A motion to vacate functions like a motion to alter or amend a judgment or for reconsideration, which this Court reviews for an abuse of discretion. *RRC Ne., LLC v. BAA Maryland, Inc.*, 413 Md. 638, 673 (2010) (citing *Wilson-X v. Dep't of Human Res.*, 403 Md. 667, 674–75 (2008)). An abuse of discretion materializes when “no reasonable person would take the view adopted by the [trial] court,” or the court acts “without reference to any guiding rules or principles.” *Powell v. Breslin*, 430 Md. 52, 62 (2013) (quoting *North v. North*, 102 Md. App. 1, 13–14 (1994)). The abuse of discretion standard affords “generous allowances for the trial court’s reasoning.” *Das v. Das*, 133 Md. App. 1, 15 (2000).

1. The Evidentiary Hearing

Appellant argues that an evidentiary hearing was warranted based on documentary evidence, which showed an alleged improper *ex parte* communication of a substantive order to Appellee. Appellee counterargues that Appellant’s motion sought to introduce new evidence that was not part of the record during the exceptions hearing or the underlying modification hearings. Appellee argues that even assuming *arguendo* Appellee did receive an order before Appellant, no legal prejudice or deprivation of rights was shown by the alleged *ex parte* communication.⁶ In addressing Rule 2-534 motions, courts “*shall*

⁶ Much of this kerfuffle appears to stem from Judge Truffer’s having signed an Order, prepared by the magistrate, which was substantively the same as the order that the

determine in each case whether a hearing will be held, but it may not grant the motion without a hearing.” Md. Rule 2-311(e) (emphasis added). The Rule makes clear the court’s discretionary power in this regard.

We are unpersuaded that the circuit court abused its discretion in denying Appellant’s request for an evidentiary hearing. Despite Appellant’s contentions otherwise, no Maryland rule states an evidentiary hearing is mandatory upon party request. *Sang Ho Na v. Gillespie*, 234 Md. App. 742, 755 (2017). Moreover, the grounds for the request were not adequately stated or described. In support of an evidentiary hearing, Appellant argued their Motion “raises critical questions of fact, including how and from whom the opposing party received advance copies of the Court’s orders.” Yet nothing in the record exists to support this claim. There exists no logical connection from the evidence to the claim of improper *ex parte* communications, and we cannot ascertain how an evidentiary hearing would have changed the insufficient factual and legal grounds. Proffered evidence must be sufficient to warrant a hearing on motions to alter or amend. *In re Adoption/Guardianship of Joshua M.*, 166 Md. App. 341, 358 (2005). Appellant offered insufficient evidence in support of their requested hearing. As such, the court did not abuse its discretion in denying the request for an evidentiary hearing given the insufficient evidence.

magistrate had presented as the April 30, 2024 Order. Everyone involved was on notice as to what an order that adopted the Magistrate’s Report would include. Mr. Redgate insinuates, without any evidence, that the practice of the magistrate to provide the court with a proposed order is untoward.

2. The Request for Recusal of Judge Truffer

Appellant argues that the evidence⁷ showed premature disclosures by Judge Truffer or staff as improper communications regarding a final decision to one party outside of normal channels. Appellee counterargues that the court correctly determined none of the reasons for disqualification were present, as Appellant only offers speculative statements to show personal bias or possessed personal knowledge of disputed evidentiary facts. The court denied the Motion to Vacate, concluding that none of the reasons for disqualification stated in Md. Rule 18-202.11 were present in this case, and the court had no knowledge from any extrajudicial source and no personal bias or prejudice towards Appellant.

A judge's decision not to recuse themselves is a discretionary matter, meaning it will be overturned only if an abuse of discretion is shown. *Abrishamian v. Barbely*, 188 Md. App. 334, 341 (2009) (quoting *S. Easton Neighborhood Ass'n, Inc. v. Town of Easton*, 387 Md. 468, 499 (2005)). Under the abuse of discretion's objective standard, recusal is warranted when a reasonable person with knowledge of all the circumstances, would conclude the judge's impartiality in the case could be questionable. *S. Easton Neighborhood*, 387 Md. at 499. The party requesting a recusal has the burden of proof to rebut the presumption of impartiality. *Boyd v. State*, 321 Md. 69, 81 (1990). Recusal motions must set forth the necessary facts in reasonable detail sufficient to show the

⁷Appellant argues that the evidence indicates bias on the part of Judge Truffer. However, the Appellant points to no actual evidence of bias beyond Judge Truffer's possible awareness of the content of an order that would have incorporated the Magistrate's Report.

purported personal misconduct, as mere conclusions stating a lack of impartiality will not suffice. *Surratt v. Prince George's Cnty., Md.*, 320 Md. 439, 467 (1990).

We are unpersuaded the request for Judge Truffer's recusal was warranted in this case. The record lacks any evidence supporting or describing the purported personal misconduct as argued by Appellant. Appellant argues broadly that the premature disclosure of an undocketed order proved judicial bias, but nothing in the record supports the contention Judge Truffer was the one who prematurely disclosed the order to Appellee. Moreover, the Motion to Vacate lacks any reference to specific facts, testimony, or affidavit in support of Appellant's claims. *Surratt*, 320 Md. at 467. Appellant's claim that the "premature disclosures originated from a process overseen by the Court" is not sufficient to warrant the recusal of Judge Truffer. Our examination of the record uncovered nothing undermining the impartiality presumption, as Appellant failed to meet his burden of proof. With the record devoid of any support that ties Judge Truffer to the purported improper disclosure, the court properly denied the request for recusal based on the lack of factual or legal support.

III. CONCLUSION

We conclude the court properly followed the remand order and held the hearing on the Exceptions as stated in the *Redgate I* opinion. We hold that the court properly modified the custody order and applied its own independent assessment, and we find no issue with the court's considerations of the Magistrate's Report, as this was merely one of several considerations that factored into the court's overall assessment. We find that Appellant was

not entitled to an evidentiary hearing, as the court properly exercised its discretion under Rules 2-534; 2-311(e). We further conclude the evidence outlined by Appellant was insufficient to warrant a hearing. We lastly hold that the request for recusal, like the evidentiary hearing request, lacked a sufficient evidentiary basis and as such was properly denied by the circuit court.

**JUDGMENT OF THE CIRCUIT COURT FOR
BALTIMORE COUNTY AFFIRMED.
APPELLANT TO PAY COSTS.**