

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1316

September Term, 2025

JIOVANNI A. GALLINAT

v.

KSHANTI CHOWBAY

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

JJ.

PER CURIAM

Filed: May 4, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Jiovanni Gallinat, appellant, appeals from an order issued by the Circuit Court for Prince George’s County awarding Kshanti Chowbay, appellee, attorney’s fees pursuant to Maryland Rule 1-341. He raises two issues on appeal, which reduce to one: whether the court abused its discretion in awarding appellee attorney’s fees. For the reasons that follow, we shall vacate the sanctions award and remand for further proceedings.

The parties are the parents of a minor child. In December 2024, appellant filed a complaint for custody. Appellee filed a counter complaint for custody and child support. On June 26, 2025, the parties informed the court that they had reached an agreement to resolve the case. That agreement was then placed on the record. During questioning by his counsel, appellant confirmed his understanding that he could not later “change the agreement that [had] been placed on the record.” The court accepted the agreement, finding that all parties had “knowingly and intelligently entered into the agreement[,]” were “aware of the terms of the agreement[,]” and were “aware of the finality of the agreement” subject to “any future modification upon a showing of material change in circumstances.” Appellee’s counsel was directed to reduce the agreement to writing, and so long as the parties agreed that it “memorialize[d] what was said . . . on the record[,]” it could be returned to the court for signature and the parties did not have to appear again in court.

The parties, however, could not agree on whether the written order prepared by appellee’s counsel accurately reflected their agreement and returned to court on July 10, 2025. During that hearing, counsel for appellee indicated that he had spoken with appellant’s counsel and that appellant would not sign the order because he was “not in agreement with [its] terms[.]” When questioned by the court, appellant indicated his belief

that: (1) the child support guidelines worksheet did not accurately reflect the number of days that each party had custody of the minor child; (2) he had only agreed to pay the amount of child support set forth in the proposed order for two years, rather than until the child turned 18; and (3) the location for exchanging the minor child needed to be changed because it was a “Federal facility” and due to his having previously filed an assault charge against appellee, that facility had “said we cannot go there” because they “didn’t want to be held liable if something was to happen.” The court indicated that it was not going to change the agreement but that it would look at its notes “to make sure that it comports with what [was] said” at the previous hearing.

After the hearing concluded, appellee filed a motion for attorney’s fees pursuant to Maryland Rule 1-341, claiming that appellant’s refusal to sign the agreement was without substantial justification. On August 5, 2025, the court entered an order granting the motion for attorney’s fees and ordering appellant to pay \$1,166.67. In so ordering, the court found that appellant’s “conduct following the settlement placed on the record” was “without substantial justification and has caused unnecessary delay, expense, and a burden upon the Court and Defendant.” Notably, the order did not indicate what conduct by appellant it believed to be sanctionable. This appeal followed.

Before imposing sanctions under Rule 1-341(a), “a court [must] make two separate findings, each with different, but related, standards of review.” *Christian v. Maternal-Fetal Med. Assocs. of Md.*, 459 Md. 1, 20 (2018). First, the “court must make an explicit finding that a party conducted litigation either in bad faith or without substantial justification.” *URS Corp. v. Fort Myer Constr. Corp.*, 452 Md. 48, 72 (2017). “This

finding should be supported by a “brief exposition of the facts upon which [it] is based.” *Id.* (quoting *Talley v. Talley*, 317 Md. 428, 436 (1989)). Because of the “extraordinary” nature of Rule 1-341 sanctions, the record must show “that there has been a clear focus upon the criteria justifying [the sanction] and a specific finding that these criteria have been met.” *Talley*, 317 Md. at 436. If the court determines that a litigant or attorney acted in bad faith or without substantial justification, it also “must separately find that the acts committed in bad faith or without substantial justification warrant the assessment of attorney’s fees.” *Christian*, 459 Md. at 21. The latter finding “will be upheld on appellate review unless found to be an abuse of discretion.” *Fort Myer*, 452 Md. at 72.

Here, there was no discussion of sanctions during the July 10, 2025, hearing. And the order granting the motion for sanctions only stated that the court was awarding attorney’s fees because appellant’s unspecified “conduct following the settlement” was without “substantial justification.” This falls short of the requirement that the court provide a “brief exposition of the facts upon which [its] finding [was] based.” Moreover, the circuit court did not make an explicit finding as to why appellant’s conduct merited the assessment of attorney’s fees.

To be sanctionable, a legal argument must be “patently frivolous” and “outside the zone of what is considered legitimate advocacy[.]” *Christian*, 459 Md. at 25, 27 (citation omitted). Moreover, Rule 1-341 sanctions should be awarded “sparingly” as “an ‘extraordinary remedy’ . . . in rare and exceptional cases.” *Id.* at 19 (quotation marks and citation omitted). In imposing sanctions, therefore, a court must go beyond explaining why the losing party did not prevail on the merits; the court must identify the reasons why the

conduct at issue “merits the assessment of costs and attorney’s fees[.]” *Fort Myer*, 452 Md. at 72.

Absent the required findings explaining the basis for the court’s award, we are unable to assess appellant’s contention that the court erred in awarding sanctions. Therefore, we shall vacate the award and remand for further proceedings to permit the circuit court to make the required findings.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AWARDED RULE 1-341
SANCTIONS VACATED AND
REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT
WITH THIS OPINION. COSTS TO
BE PAID BY APPELLEE.**