

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1416

September Term, 2024

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BRUCE W. RUARK, *et al.*

v.

IVANESSA CAY, *et al.*

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Berger,  
Tang,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 2, 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.

In 2023, Bruce W. Ruark, The Law Office of Bruce W. Ruark, LLC, and Lucas S. Ruark via Darin S. Ruark, Father and Next Friend, appellants, filed a complaint for negligence against Ivanessa Cay and Michael S. Chaffinch, appellees, in the Circuit Court for Wicomico County arising from an automobile accident that occurred in Salisbury, Maryland. Specifically, the complaint alleged that Mr. Ruark was transporting his grandson Lucas Ruark, when he was struck from behind by a vehicle which was owned by Ivanessa Cay, and being driven by her adult son Michael Chaffinch.

In April 2024, the court granted appellants’ motion for summary judgment with respect to Mr. Chaffinch, but denied it as to Ms. Cay, leaving the question of damages to be resolved by the jury. On the day of trial, the court denied appellants’ motion to compel discovery, which, among other things, requested that appellees be ordered to produce Mr. Chaffinch’s driving record. The court also granted Ms. Cay’s motion for summary judgment, finding that appellants had failed to plead a claim for negligent entrustment and had also failed to proffer evidence that Ms. Cay was personally negligent. Following a trial, where the sole issue to be decided was damages, a jury awarded \$500 to Bruce Ruark, and nothing to Darin Ruark on behalf of Lucas Ruark. This appeal followed.

Appellants raise two issues on appeal: (1) whether the motions court erred during the hearing on their summary judgment motion when, in response to a statement by opposing counsel that he wished he had filed a motion for summary judgment on Ms. Cay’s behalf, it stated that it “crossed my mind that there wasn’t one in there[,]” and (2) whether the trial court erred in failing to provide them with “a reasonable opportunity through discovery to compel [appellees] to respond to [their] request for driving records” because

it did not rule on their motion to compel until the day of trial, rendering the motion “even if granted, moot.” Appellants, however, did not object to the court’s statement to appellees’ counsel regarding his failure to file a motion for summary judgment. Nor did they request any relief from the court as a result of this alleged error. Similarly, appellants did not request the court to rule on their motion to compel prior to the day of trial, object to the court’s failure to do so, or raise any claim of prejudice when the court finally considered the motion. Consequently, neither of these issues is preserved for appellate review, and we shall not consider them for the first time on appeal. *See* Maryland Rule 8-131(a) (noting that an appellate court will not ordinarily decide an issue “unless it plainly appears by the record to have been raised in or decided by the trial court”).<sup>1</sup>

**JUDGMENT OF THE CIRCUIT  
COURT FOR WICOMICO COUNTY  
AFFIRMED. COSTS TO BE PAID  
BY APPELLANTS.**

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<sup>1</sup> In any event, appellant has failed to demonstrate how he was prejudiced by the court’s alleged errors. Even if summary judgment had not been granted with respect to Ms. Cay, and the jury had ultimately found her to be liable for negligence along with her son, there is no indication that this would have changed the evidence that the parties presented at trial with respect to the damages, or affected the jury’s verdict with respect to the amount of damages it chose to award.