

Circuit Court for Montgomery County
Case No.: C-15-CV-25-001051

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1812

September Term, 2025

ERIN MAGINNIS

v.

NICHOLAS EVANCICH

Wells, C.J.,
Zic,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 6, 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.

Appellant Erin Maginnis sued her former employer and ex-romantic partner, appellee Nicholas Evancich, in the Circuit Court for Montgomery County, alleging libel, defamation, and “retaliation for filing a protected complaint.” Evancich moved to dismiss for failure to state a claim, and, after a hearing, the circuit court granted his motion. This appeal followed. For the reasons below, we shall affirm.

STANDARD OF REVIEW

We review the granting of a motion to dismiss to determine whether the circuit court’s decision was legally correct. *See Tavakoli-Nouri v. State*, 139 Md. App. 716, 725 (2001). In doing so, “we view the well-pleaded facts of the complaint in the light most favorable to the appellant[.]” *Id.* (cleaned up). To survive dismissal, the complaint must plead the material facts “with sufficient specificity. Bald assertions and conclusory statements by the pleader will not suffice.” *Adamson v. Corr. Med. Servs., Inc.*, 359 Md. 238, 246 (2000) (cleaned up). Thus, we will affirm a dismissal “if the complaint does not disclose, on its face, a legally sufficient cause of action.” *Rossaki v. NUS Corp.*, 116 Md. App. 11, 18 (1997) (cleaned up). Moreover, we will affirm a dismissal on “any ground adequately shown by the record, whether or not relied upon by the [circuit] court[.]” *City of Frederick v. Pickett*, 392 Md. 411, 424 (2006) (cleaned up).

DISCUSSION

I. Libel & Defamation

To adequately plead a claim for defamation,¹ the complaint must allege: (1) the defendant made a defamatory statement to a third person; (2) the statement was false; (3) the defendant was at fault in making the statement; and (4) the plaintiff suffered harm. *See Piscatelli v. Van Smith*, 424 Md. 294, 306 (2012).

Here, the complaint alleged that Evancich made false claims about Maginnis in various legal documents and proceedings, including (1) a petition for a protective order; (2) a sworn written statement alleging that Maginnis had violated that protective order; (3) an application for statement of charges that led to a second-degree assault charge, a charge of violating a protective order, and issuance of an arrest warrant; and (4) testimony during the protective order hearing. Parties enjoy absolute immunity from civil liability for statements made in a judicial proceeding. *Norman v. Borison*, 418 Md. 630, 650 (2011). “[T]hat absolute immunity extends to defamatory statements uttered in the course of a trial or contained in pleadings, affidavits, depositions, and other documents directly related to the case.” *Id.* at 653 (cleaned up). It also covers “statements made with the direct purpose or effect of producing a judicial . . . proceeding[.]” *Id.* The statements identified in the complaint were all made either in a judicial proceeding or with the direct purpose of producing one, and, as such, are absolutely privileged, regardless of motive or truth. *Id.* at

¹ The tort of defamation encompasses both libel and slander. *See Publish Am., LLP v. Stern*, 216 Md. App. 82, 99 n.16 (2014).

651, 653. Accordingly, the complaint failed to state a claim for defamation, and the circuit court did not err in dismissing it.

II. Retaliation

To adequately plead a claim for retaliation,² the complaint must allege: “(1) the employee engaged in a protected activity; (2) the employer took an adverse action against the employee; and (3) the employer’s adverse action was causally connected to the protected activity.” *Kasmir v. Retail Servs. & Sys., Inc.*, 264 Md. App. 370, 402 (2025).

The complaint here did not allege that Maginnis suffered any adverse employment action as a result of her engaging in a protected activity. *See Magee v. DanSources Tech. Servs., Inc.*, 137 Md. App. 527, 564–65 (2001) (“Adverse employment actions must involve an ‘ultimate employment decision,’ such as a decision to grant leave, demote, reassign, and discharge.” (cleaned up)). Indeed, the complaint alleged that Maginnis did not even engage in her protected activity—filing a Maryland Wage Claim—until after her

² It is possible that Maginnis intended her claim for “retaliation for filing a protected complaint” to function as a claim for malicious prosecution. Despite what she claims in her brief, however, she did not plead that cause of action. A circuit court’s authority “to act in a given case is limited by the issues framed by the pleadings.” *Ledvinka v. Ledvinka*, 154 Md. App. 420, 424 (2003). The court “has no authority, discretionary or otherwise, to rule upon a question not raised as an issue by the pleadings[.]” *Gatuso v. Gatuso*, 16 Md. App. 632, 633 (1973). Maginnis neither amended her complaint nor sought leave to do so. As a result, the circuit court was bound by the issues framed by the complaint and could not have granted relief for a cause of action that was not pleaded therein. *See Ledvinka*, 154 Md. App. at 428.

employment had ended. Consequently, the complaint failed to state a claim for retaliation, and the circuit court did not err in dismissing it.

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