Circuit Court for Baltimore County
Case No. C-03-CV-23-003557

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1998

September Term, 2024

IN THE MATTER OF ATLANTIC AUTOMOTIVE

CORP., ET AL.

Ripken,
Tang,
Zarnoch, Robert A.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, 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 its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal involves a challenge by appellants to the grant of a motion for directed verdict by the Circuit Court for Baltimore County. In January of 2023, appellee, Robert Mason ("Mason"), filed a claim with the Maryland Workers' Compensation Commission (the "Commission"), alleging that he had been injured as a result of a workplace accident in December of 2022. Appellants, Atlantic Automotive Corp. ("Atlantic Auto"), Mason's employer, and Hartford Insurance Company,[1] contested the claim, asserting that no accident occurred. In August of 2023, the Commission found in favor of Mason. Employer then sought judicial review of the decision in the circuit court. The parties appeared for a jury trial in November of 2024. Following the presentation of evidence from both sides, the court granted a motion for directed verdict in favor of Mason. Employer filed a timely appeal and presents the following issue for our review:[2]

Whether the circuit court erred in granting the motion for directed verdict.

For the following reasons, we shall answer in the negative and affirm the judgment of the circuit court.

[1] Hereinafter, we reference Atlantic Auto and Hartford Insurance Company collectively as "Employer."

[2] Rephrased from:

> Did the [c]ircuit [c]ourt err in granting [Mason's] [m]otion for [j]udgment when there was a genuine dispute of material facts regarding whether [Mason] sustained an accidental injury arising out of and in the course of employment?

FACTUAL AND PROCEDURAL BACKGROUND

The Commission Proceedings

In January of 2023, Mason filed a claim with the Commission related to a back injury he claimed arose when he lifted and carried a box during the course of his employment.[3] The parties appeared before the Commission for a hearing in August of 2023. Mason sought authorization for an MRI and payment for all medical expenses causally related to the workplace accident. Employer contested the claim, asserting that no accident occurred. In the event that the Commission found that an accident did occur, Employer conceded that Mason's injury was causally related to said accident. The Commission found in favor of Mason and issued the following decision:

> The Commission finds on the issues presented that [Mason] sustained an accidental injury arising out of and in the course of employment on December 9, 2022, that the disability of [Mason]'s lumbar spine with right leg radiculopathy is the result of the accidental injury. The Commission finds that the request for an MRI, is approved. The Commission further finds that [Employer] shall provide payment of all causally related medical expenses in accordance with the Medical Fee Guide of this Commission. Average weekly wage[—]$2,498.71.

[3] The record below reflects that Mason was employed by Atlantic Auto as a car salesman for twenty-one years. On December 9, 2022, while Mason was working, one of his supervisors asked him to retrieve a box of floor mats from another building. There is conflicting testimony on the precise weight of the box. Mason testified that the box weighed between twenty and thirty pounds, and Employer testified that the box weighed between ten and twelve pounds. The box was covered with dust, which caused Mason to carry it awkwardly to avoid dirtying his clothing. As Mason returned to his building with the box, he felt a "stinging and stabbing" pain in his lower back that radiated to his right leg. The pain progressively worsened throughout the weekend. Mason subsequently received medical treatment and then obtained a doctor's note indicating that he was authorized to return to work; however, he was restricted from lifting. The record does not indicate the exact dates when Mason sought medical treatment.

> It is, therefore, this 4th day of August, 2023, by the Workers' Compensation Commission ORDERED that the [Employer] authorize an MRI for the claimant; and pay the causally related medical bills of the claimant in accordance with the Medical Fee Guide of this Commission; and further ORDERED that the above-entitled claim be held subject to further consideration by this Commission as to permanent disability, if any, the case will be reset only on request.

Employer then noted a timely petition for judicial review.

Trial Court Proceedings

The parties appeared for a jury trial in November of 2024, and Employer produced two witnesses, both of whom were Mason's direct supervisors at the time of the accident (collectively, the "Supervisors"). The Supervisors testified that: 1) Mason notified them that he had back pain subsequent to the day of the accident; however, he did not directly mention that he was hurt at work;[4] and 2) each was notified by someone on the company management team that Mason had filed a workers' compensation claim. Employer also elicited testimony indicating that Mason had back problems prior to the incident.[5] Employer did not present any expert medical testimony.

In turn, Mason relied on the Commission's decision and his own testimony from the hearing before the Commission. Namely, the Commission's decision was entered into

[4] Mason notified one supervisor on at least four different days subsequent to the accident that he was experiencing back pain.

[5] Specifically, Employer elicited testimony indicating that Mason had previously sought treatment at a chiropractor for back-related issues connected to exercise and other incidents.

evidence, and Mason's account of the workplace accident was read into the record.[6, 7] Employer had the opportunity to cross-examine Mason and read into the record any portions of Mason's testimony that they deemed relevant. At the close of evidence, each party moved for judgment as a matter of law.

Trial Court's Decision

The trial court denied Employer's motion for judgment, and, relying on *S.B. Thomas, Inc. v. Thompson*, 114 Md. App. 357, 384 (1997), granted Mason's motion for judgment. Namely, the court found that Employer failed to meet their burdens of production and persuasion because the issue involved a complicated medical question and Employer did not present expert medical testimony to support the suggestion that Mason's injury was a result of past back problems. The court also found that the Supervisors' testimony neither confirmed that an accident occurred, nor did it prove that an accident did not occur. Accordingly, the court granted Mason's motion for directed verdict, finding that Employer failed to meet the burdens and thus did not overcome the presumptive correctness of the Commission's decision. This timely appeal followed.

Additional facts will be incorporated below as necessary.

[6] Counsel read this account from a transcript of Mason's testimony from the Commission hearing.

[7] Mason also testified that he did not experience any other accidents or injuries to his lower back subsequent to December 9, 2022.

DISCUSSION

THE CIRCUIT COURT DID NOT ERR IN GRANTING THE MOTION FOR DIRECTED VERDICT.

A. Party Contentions

Employer contends that the circuit court erred in granting the motion for directed verdict in favor of Mason. First, Employer argues that the evidence adduced at trial—namely, testimony from the Supervisors suggesting that Mason did not directly notify them of a workplace accident—generated a genuine question of fact such that the case should have been submitted to the jury. Next, Employer asserts that the court impermissibly made credibility determinations when it granted the motion for directed verdict instead of allowing the jury to determine the credibility of the witnesses and make the factual determinations. Last, Employer avers that a directed verdict was erroneous because they did not contest medical causation but whether a workplace accident occurred; thus, per Employer, producing expert testimony from a medical professional was unnecessary.

Mason asserts that the circuit court correctly granted his motion for directed verdict. Mason contends that, because the Commission found in his favor, Employer bore the burdens of proof and of persuasion in the circuit court. Primarily, per Mason, Employer had the burden of proving that a workplace accident did not occur and therefore did not cause his injury. Thus, Employer's failure to meet that burden, Mason claims, entitled him to judgment as a matter of law. Further, Mason argues that any dispute regarding whether he provided timely notice of the workplace accident to his supervisors is immaterial because that argument was not raised before the Commission and was not addressed by the circuit court. Last, Mason asserts that Employer failed to meet their burdens by attributing

his workplace injury to a preexisting condition but failing to provide expert medical testimony to support that contention.

B. Standard of Review

We review the grant of a motion for judgment using "the same analysis that a trial court should [conduct] when considering the motion for judgment." *Schwan Food Co. v. Frederick*, 241 Md. App. 628, 645 (2019) (quoting *D.C. v. Singleton*, 425 Md. 398, 406–07 (2012)). We consider "the evidence and reasonable inferences drawn from the evidence in the light most favorable to the non-moving party." *Id.* (quoting *Beall v. Holloway-Johnson*, 446 Md. 48, 63 (2016)). The trial court may grant a motion for judgment where "the evidence is not such as to generate a jury question, i.e., permits but one conclusion[.]" *Address v. Millstone*, 208 Md. App. 62, 80 (2012) (citation and quotation marks omitted). Particular to workers' compensation cases, we recognize that:

> [T]he question as to whether an injury arose out of or in the course of employment is ordinarily, like negligence or want of probable cause, a mixed question of law and fact, but when the facts have been ascertained and agreed upon by the parties, or are undisputed, and there is no dispute as to the inferences to be drawn from the facts, the question becomes one of law and may be decided by the court.

Frederick, 241 Md. App. at 645 (quoting *Harrison v. Cent. Constr. Corp.*, 135 Md. 170, 180 (1919)) (further citation omitted).

C. Analysis

Maryland workers' compensation law "generally requires an employer 'to pay workers' compensation benefits to an employee who suffers an accidental personal injury in the course of employment, regardless of whether the employer is at fault for the injury.'"

Bd. of Educ. of Prince George's Cnty. v. Marks-Sloan, 428 Md. 1, 35 (2012) (quoting *Franch v. Ankney*, 341 Md. 350, 357–59 (1996)). For the injury to be compensable, the accidental injury must "arise[] out of" and occur "in the course of employment." *Montgomery Cnty. v. Smith*, 144 Md. App. 548, 554–55 (2002) (citation omitted). An injury "arises out of employment when it results from some obligation, condition[,] or incident of the employment, under the circumstances of the particular case." *Id.* at 556 (quoting *Knoche v. Cox*, 282 Md. 447, 455 (1978)). "An injury arises in the course of employment when it occurs: (1) within the period of employment, (2) at a place where the employee reasonably may be in the performance of his duties, and (3) while he is fulfilling those duties or engaged in doing something incident thereto." *Id.* at 558 (internal quotation marks and citation omitted).

At the outset of workmen's compensation cases, a covered employee files a claim with the Commission, alleging an injury has been sustained in the workplace. *See* Md. Code Ann., (1991, 2025 Repl. Vol.), § 9-709(a)(1) of the Labor & Employment Article ("LE"). *Accord DeBusk v. Johns Hopkins Hosp.*, 105 Md. App. 96, 103 (1995) (citing LE § 9-709(a)). The employee must notify the employer of the alleged accident within ten days. LE § 9-704(b)(1). Then, as here, if the employer contests the claim, the employee bears the burden of proving by a preponderance of the evidence that an injury was sustained which arose out of, and was in the course of, their employment. *Giant Food, Inc. v. Booker*, 152 Md. App. 166, 176–77 (2003) (citing *Gen. Motors Corp. v. Bark*, 79 Md. App. 68, 79–80 (1989)).

Employers have a right to petition for judicial review if the employer loses at the Commission. LE § 9-737. However, if they do so, the burden of proof and persuasion shifts from employee to employer. *See* LE § 9-745(b)(2). That is, the Commission's decision is presumed to be *prima facie* correct, and the party challenging the decision has the burden of proving that the decision was incorrect by a preponderance of the evidence. *See* LE § 9-745(b); *see also Matter of City of Hagerstown*, 265 Md. App. 581, 610 (2025) ("The City subsequently petitioned for judicial review . . . and, therefore, . . . had the burden of proving by a preponderance of the evidence that the [Commission's] decision was incorrect.") (internal quotation marks and citation omitted). The challenging party must "produce a legally sufficient case, as a matter of law, even to permit the case to go to the *de novo* fact finder, lest he suffer a . . . directed verdict against him." *Bd. of Educ. for Montgomery Cnty. v. Spradlin*, 161 Md. App. 155, 195 (2005) (citation omitted). *Accord Bark*, 79 Md. App. at 79–80.

Particularly—where the Commission finds that a workplace accident caused a claimant's injury, and the employer contests that finding on appeal to the circuit court—the employer must show that a workplace accident *did not* cause the injury. *See Hagerstown*, 265 Md. App. at 610–12. *See also S.B. Thomas, Inc. v. Thompson*, 114 Md. App. 357, 384 (1997) (indicating that the appellant in a worker's compensation case becomes "the proponent[] and [takes] on [an] affirmative burden of proving non[-]causation" if the Commission finds that a workplace accident caused a claimant's injury). This process is an "essentially *de novo* trial[.]" *Balt. Cnty. v. Kelly*, 391 Md. 64, 74 (2006) (citing *Richardson v. Home Mut. Life Ins. Co.*, 235 Md. 252, 255 (1964)) (internal

quotation marks omitted); *Hagerstown*, 265 Md. App. at 609 (internal quotation marks and citation omitted). "[T]he parties may rely on the same or different evidence than was presented to the Commission." *Hagerstown*, 265 Md. App. at 615 (quoting *Applied Indus. Techs. v. Ludemann*, 148 Md. App. 272, 282 (2002)) (further citations omitted).

This Court, in *Thompson*, fielded the question of whether expert medical testimony is required to establish a causal connection in cases involving "complicated medical question[s]." 114 Md. App. at 361. In that regard, we concluded that:

> [T]he causal relationship will almost always be deemed a complicated medical question and expert medical testimony will almost always be required when one or more of the following circumstances [are] present: 1) some significant passage of time between the initial injury and the onset of the trauma; 2) the impact of the initial injury on one part of the body and the manifestation of the trauma in some remote part; 3) the absence of any medical testimony; and 4) a more arcane cause-and-effect relationship that is not part of common lay experience[.]

Id. at 382. Absent expert medical testimony, an issue involving a complicated medical question should not reach the factfinder for consideration and should be decided as a matter of law. *See id.* at 384–85. In affirming the trial court's grant of judgment as a matter of law in *Thompson*, we explained:

> [The issue involved] a complicated medical question and [] expert medical testimony was, therefore, required to establish a legally sufficient, *prima facie* case of non-causation . . . [I]n the absence of expert medical testimony, the appellants failed to meet their burden of production. [Therefore,] [the] granting of judgment in favor of the appellee was proper.

Id. at 385.

Here, Employer failed to meet the burden of proof and persuasion. A decision by the Commission is presumed to be *prima facie* correct, and the party challenging its

decision has the burden of proving that the decision was incorrect by a preponderance of the evidence. *See* LE § 9-745(b)(2); *Hagerstown*, 265 Md. App. at 610. In this case, the Commission found that a workplace accident caused Mason's back injury. Thus, as the petitioner from the Commission, Employer at trial had the "affirmative burden of proving non[-]causation." *Thompson*, 114 Md. App. at 384. In other words, at trial, Employer had to produce evidence showing that something *other than* a workplace accident caused Mason's back injury or that the workplace accident never occurred. *See id.*; *see also Hagerstown*, 265 Md. App. at 611; *Spradlin*, 161 Md. App. at 195; *Bark*, 79 Md. App. at 79–80. Employer failed to do so.

1. Supervisors' Testimony

At trial, Employer relied on Supervisors' testimony to rebut the Commission's presumably correct decision that Mason's back injury was causally related to a workplace accident. *See* LE § 9-745 (b)(2); *Hagerstown*, 265 Md. App. at 610. Specifically, Employer elicited testimony suggesting that a workplace accident did not occur because Mason did not directly notify Supervisors of a any accident, and Mason was known to have prior back problems. This evidence, however, fails to meet Employer's burden of production. As the petitioner of the Commission's decision, Employer at trial had the "*affirmative* burden" of producing evidence to show that no workplace accident occurred or that something else caused Mason's back injury. *See Thompson*, 114 Md. App. at 384 (emphasis added). *See also Hagerstown*, 265 Md. App. at 611; *Spradlin*, 161 Md. App. at 195; *Bark*, 79 Md. App. at 79–80. Thus, Employer's reliance on whether Supervisors received direct notice as a basis for rebutting the Commission's finding that an accident *did* occur is misplaced. The

requirement is that the claimant notify their employer, not supervisors in particular, if they suffer an injury in the workplace, *see* LE § 9-704(b)(1), and Employers submitted a document to the Commission acknowledging that they received notice of Mason's claim just days after he filed the claim. Moreover, Supervisors acknowledged that they were notified of Mason's workers' compensation claim by another member of the company management team. Thus, Atlantic Auto, Mason's employer, did receive notice. Notwithstanding, evidence suggesting that Supervisors did not receive direct notice of Mason's workplace accident does not "affirmatively" rebut the Commission's finding that an accident occurred, nor does it provide an alternative basis for Mason's injury. *See Thompson*, 114 Md. App. at 384. *See also Hagerstown*, 265 Md. App. at 611; *Spradlin*, 161 Md. App. at 195; *Bark*, 79 Md. App. at 79–80. Accordingly, Supervisors' testimony was legally insufficient to rebut the Commission's finding.

2. Prior Medical History

In addition, Employer—insomuch as they suggested that Mason's injury was a flare-up of previous back problems—was required to produce expert medical testimony to that effect. *See Thompson*, 114 Md. App. at 361, 382. As discussed above, expert medical testimony is needed when there is:

> 1) [S]ome significant passage of time between the initial injury and the onset of the trauma; 2) [] impact of the initial injury on one part of the body and the manifestation of the trauma in some remote part; 3) [no] medical testimony; and 4) a more arcane cause-and-effect relationship that is not part of common lay experience[.]

Id. at 382. Here, the injury at issue satisfies these elements because: 1) Employer elicited testimony suggesting that the injury could be attributed to Mason's prior back problems,

such as discomfort and stiffness he experienced months prior in September of 2022; 2) Mason complained of lower back pain that radiated from his lower back to his right leg; 3) Employer did not produce any expert medical testimony; and 4) the understanding of why Mason's pain would radiate from his lower back to his right leg is not part of common lay experience. *See id.* at 382. Therefore, expert medical testimony was required to bridge the causal gap between the injury at issue and Mason's prior back problems. *Id.*

Employer argues that it need not produce expert medical testimony because Employer does not contest whether a workplace accident caused Mason's back injury, but whether the accident itself occurred. Nonetheless, at its baseline, this argument contests causation, i.e., whether Mason was hurt in a workplace accident.[8] Moreover, at trial, Employer elicited testimony suggesting that Mason's current back injury is causally related to previous back problems for which he sought medical treatment.

Thus, Employer—as the Commission found in Mason's favor—was required to produce expert medical testimony to "prove the lack of a causal connection" between the workplace accident that the Commission found to have occurred and Mason's injury. *See Thompson*, 114 Md. App. at 366, 371. To permit the jury to attempt to attribute the injury at issue to previous back problems "without any [expert] evidence as a guide would [have] permit[ted] . . . guesswork, speculation[,] and conjecture." *Peterson v. Underwood*, 258

[8] We arrive at this conclusion because Employer states that they merely contest whether an accident occurred. However, they do not contest whether one of Mason's supervisors asked him to retrieve the box from the parts building on the date of the accident. Thus, it appears that Employer contests whether Mason was hurt when he lifted and moved the box to the sales building.

Md. 9, 21 (1970) (internal quotation marks and citation omitted). Thus, Employer failed to meet the burdens of production and of persuasion where they failed to produce expert medical testimony or evidence showing an alternative cause of Mason's injury, entitling Mason to judgment as a matter of law. *Thompson*, 114 Md. App. at 382, 384–85; *Spradlin*, 161 Md. App. at 195; *Bark*, 79 Md. App. at 79–80. Therefore, the trial court did not err in granting Mason's motion for directed verdict.

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