

Circuit Court for Prince George's County
Case No. C-16-CV-23-003884

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2321

September Term, 2024

DAVID STUCKE, ET AL.

v.

MGM RESORTS INTERNATIONAL, ET AL.

Berger,
Shaw,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: May 4, 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).

On July 5, 2023, Appellants David Stucke (“Stucke”) and Laura Jenkins (“Jenkins,” collectively, “appellants”) visited MGM National Harbor, a casino in Oxon Hill owned and operated by Appellees, MGM Resorts International and MGM National Harbor, LLC (collectively, “MGM”). After observing appellants utilizing multiple MGM Rewards Cards (“player’s cards”) to redeem promotional funds (“free-play”) and using the free-play to game, MGM security personnel approached appellants and escorted them to an interview room. Upon arriving in the interview room, MGM security personnel asked appellants to relinquish the player’s cards they were using. A subsequent search of Stucke’s person and Jenkins’ purse uncovered 26 player’s cards not in either appellants’ name.

Appellants filed a Complaint against MGM alleging, among other things, false arrest, false imprisonment, assault, and battery. As discovery was ongoing, appellants filed a motion for partial summary judgment, which the Circuit Court for Prince George’s County summarily denied. Thereafter, the case proceeded to trial, and a jury returned a verdict in favor of MGM. Appellants filed no post-trial motions but noted a timely appeal.

On appeal, appellants present three questions for our review, which we have consolidated and rephrased as one as follows:¹

¹ Appellants phrased the questions as follows:

1. Whether the trial court erred in denying Appellants’ Motion for Partial Summary Judgment where the undisputed evidence showed they lawfully took advantage of a casino promotion, acted with the express permission of the players card holders, and were detained and assaulted by MGM security without any legal basis or probable cause to believe a crime had been committed.

Whether the circuit court erred in denying appellants’ Motion for Partial Summary Judgment.

For the reasons herein, we affirm.

BACKGROUND

In the early morning hours of July 5, 2023,² appellants arrived at MGM and proceeded to play slot games. At approximately 2:21 a.m., MGM surveillance operator Gary Simone (“Simone”) notified MGM shift manager and special police officer Angela Harris (“Harris”) that he had observed appellants -- who were flagged for “comp fraud” -- using multiple player’s cards not in their respective names to redeem free-play from those cards and use those funds to game.

Thereafter, MGM assistant security manager and special police officer Warren Gary

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2. Whether the trial court erred in denying summary judgment on Appellants’ battery claim where video evidence shows MGM security violently assaulted Dr. David Stucke—slamming him against a wall, choking him, and causing permanent injury—despite having no lawful basis to detain him or seize property lawfully possessed by Appellants with the owners’ consent.
 3. Whether summary judgment is warranted where MGM security arrested and confined Appellants in holding cells, despite the undisputed fact that they committed no crime, lawfully possessed their friends’ players cards with consent, and committed no felony or breach of the peace that could justify a citizen’s arrest under Maryland law.

² In an apparent typographical error, appellants write in their brief that the events underlying this case occurred on May 14, 2022. Appellants’ Complaint, as well as all other documents included in the record extract, however, provide that these events occurred on July 5, 2023. We, therefore, state here that the events giving rise to appellants’ cause of action occurred on July 5, 2023.

(“Gary”), MGM security officer Jabri Burgess (“Burgess”), and MGM security officer Anthony Jackson (“Jackson”) were dispatched to the casino floor to make contact with Stucke and Jenkins, who were playing slot games in different sections of the casino. After being asked to present their IDs, Stucke and Jenkins were escorted to MGM’s security interview room.

Surveillance video footage in the interview room captures what happened next. Once in the interview room, MGM security personnel asked appellants to surrender the player’s cards in their possession. Appellants responded that they had no such cards. Moments later, Harris entered the interview room and reiterated the request that appellants relinquish the player’s cards they were using on the casino floor. Stucke reached into his pocket and handed Harris six player’s cards.

Subsequently, two things happened simultaneously. First, MGM security personnel continued to ask appellants for the additional player’s cards which they had been using. MGM security personnel told appellants that if they failed to comply, they would be searched. Jenkins objected to being searched, claiming she was promised that if she came to the interview room, she would not be touched. Thereafter, at the direction of Harris, MGM security escorted Jenkins into a holding cell to search her purse.

Second, Stucke took out his phone and was asked by MGM security personnel to put it away repeatedly. Stucke refused, saying he was trying to contact his lawyer and that he wanted to record the present interaction. Eventually, Stucke was escorted into a separate holding cell where MGM security personnel proceeded to push him against the wall. MGM security took Stucke’s phone, wallet, and glasses, which were falling off during the

physical encounter, from him. Stucke yelled for MGM security personnel to get off him and return his belongings while four MGM security personnel moved Stucke to a bench and handcuffed him to a bar on the wall. Stucke continued to implore MGM security to give back his belongings while one security personnel pushed Stucke to the wall with his arm momentarily against his throat. Thereafter, two MGM security personnel physically restrained Stucke while repeatedly telling him to relax. As the interaction calmed down, Stucke's glasses and phone were returned to him.

At approximately 2:51 a.m., Prince George's County police arrived at MGM to respond to the incident. Neither Stucke nor Jenkins was arrested.³ Thereafter, MGM security personnel uncuffed Stucke, gave him his wallet back, and escorted him out of the holding cell. Both Stucke and Jenkins signed forms acknowledging they were "trespassed," that is MGM deemed them to be trespassing on the property and informed them that if they came back on the premises, they would be arrested. Appellants were then escorted to MGM's parking garage. In total, MGM confiscated 26 player's cards from appellants which were not in their names.

On August 23, 2023, appellants filed a Complaint against MGM related to the July 5 incident, asserting claims of: (I) false imprisonment; (II) false arrest; (III) assault and

³ On April 16, 2024, MGM filed criminal complaints against Stucke and Jenkins related to their alleged gaming fraud on July 5, 2023. Thereafter, Stucke and Jenkins were each charged with theft in violation of Maryland Code (2002, 2021 Repl. Vol.), § 7-104 of the Criminal Law Article ("CR"). The State, however, did not ultimately pursue the charges against either Stucke or Jenkins and a nolle prosequi was entered in each case.

battery; (IV) negligent training; (V) negligent supervision; (VI) gross negligence; (VII) conversion and trespass to chattels; and (VIII) agency.

On February 18, 2024, appellants filed a motion for partial summary judgment (“motion for summary judgment”) on the false imprisonment and battery counts. In support of their motion, appellants relied on the surveillance video, MGM’s incident report, portions of Stucke’s and Jenkins’ respective interrogatory responses, affidavits of both Stucke and Jenkins, and a statement of charges brought by the State against Jackson, who had been identified as the MGM security guard who put his arm to Stucke’s neck in the holding cell.

As for their false imprisonment claim, appellants argued that MGM lacked legal justification to arrest and detain them because their conduct did not fall within the tightly circumscribed circumstances under which a private citizen may lawfully arrest and detain another person. Appellants reasoned that MGM undisputably detained them solely for possessing player’s cards not belonging to them and that the responding Prince George’s County police officers declined to arrest them. Because “comp fraud” is not a crime and appellants possessed the consent of the owners of the respective player’s cards which they were using -- thereby foreclosing the possibility that they had committed theft -- appellants asserted that the conduct for which MGM arrested and detained them was neither a felony nor a misdemeanor constituting a breach of the peace. Accordingly, appellants contended that they were entitled to judgment as a matter of law on their false imprisonment claims. Similarly, appellants argued that MGM was liable to them for battery as a matter of law,

reasoning that the surveillance video and photos of injuries Stucke sustained conclusively established that the conduct of MGM’s security personnel constituted battery.

On July 3, 2024, MGM filed a motion in opposition to appellants’ motion for summary judgment advancing three arguments. First, MGM argued that appellants’ motion failed to comply with Maryland Rule 2-501 (“Rule 2-501”) because the allegedly undisputed material facts upon which appellants relied were not adequately stated. Specifically, MGM contended that appellants’ motion relied on no more than their Complaint, their own interpretation of the actions of MGM’s security personnel and the Prince George’s County police officers, and hearsay statements of appellants’ friends and the responding police officers. Second, MGM suggested that given the posture of the case -- which was still in the midst of discovery -- appellants’ motion was premature. Third, and finally, MGM argued that the alleged arrest, detainment, assault, and battery were privileged based on appellants’ conduct on July 5, 2023 and the fact that Stucke had been flagged based on previous similar conduct at other MGM properties.

Without holding a hearing or issuing a written opinion, the circuit court summarily denied appellants’ motion for summary judgment by order dated August 15, 2024. Thereafter, the parties proceeded through discovery and a jury trial commenced on January 14, 2025. On January 23, 2025, the jury returned a verdict in favor of MGM, finding that: (1) MGM did not falsely imprison Stucke or Jenkins; (2) MGM was legally justified in detaining Stucke and Jenkins for theft or recapture of property; (3) MGM did not commit assault or battery against Stucke or Jenkins; and (4) “MGM was defending themselves, other persons, or their property from” Stucke and Jenkins and “used only such force as was

reasonably necessary to protect themselves, others, or their property from actual attack or threat of imminent harm.” On February 4, 2025, the circuit court entered judgment in favor of MGM. Appellants noted a timely appeal. We shall include additional details as necessary in our forthcoming discussion.

STANDARD OF REVIEW

Before turning to the standard of review which we must apply, we briefly address precisely what appellants ask us to review. Appellants do not challenge the jury’s verdict on appeal. Rather, the only issue appealed is the circuit court’s denial of appellants’ motion for summary judgment. Our review is limited accordingly.

Appellants and MGM contend that the appropriate standard of review for the denial of a motion for summary judgment is *de novo*. Both parties, however, are mistaken. A trial court’s grant of a motion for summary judgment is reviewed *de novo*. *Webb v. Giant of Md., LLC*, 477 Md. 121, 135 (2021) (citing *Dashiell v. Meeks*, 396 Md. 149, 163 (2006)). This is because a trial court has no discretion in granting a motion for summary judgment; “[o]nly when there is an absence of a genuine dispute of material fact will” granting summary judgment be “correct as a matter of law.” *Id.* (citing *Dashiell*, 396 Md. at 163).

The same is not true for a trial court’s denial of a motion for summary judgment. As the Supreme Court of Maryland has explained:

A trial court has . . . discretionary power “when affirmatively denying a motion for summary judgment or denying summary judgment in favor of a full hearing on the merits.” *Dashiell*, 396 Md. at 164. This discretionary power “exists even though the technical requirements for the entry of such a judgment have been met.” *Metro. Mortg. Fund, Inc. v. Basiliko*, 288 Md. 25, 28 (1980)). That is, “no party is entitled to a summary

judgment as a matter of law. It is within the discretion of the judge hearing the motion, if [the judge] finds no uncontroverted material facts, to grant summary judgment or to require a trial on the merits.” *Foy v. Prudential Ins. Co. of America*, 316 Md. 418, 424, 559 (1981).

Id. (cleaned up). Accordingly, “the standard of review for a denial of a motion for summary judgment is whether the trial judge abused [their] discretion and in the absence of such a showing, the decision of the trial judge will not be disturbed.” *Id.* at 135-36 (quoting *Dashiell*, 396 Md. at 165).

Generally,

[a]n abuse of discretion occurs “where no reasonable person would take the view adopted by the trial court . . . or when the court acts without reference to any guiding principles, and the ruling under consideration is clearly against the logic and effect of facts and inferences before the court . . . or when the ruling is violative of fact and logic.”

Sibley v. Doe, 227 Md. App. 645, 658 (2016) (quoting *Bacon v. Arey*, 203 Md. App. 606, 667 (2012)) (cleaned up).

DISCUSSION

- I. Even if properly preserved for review on appeal, the circuit court did not abuse its discretion by denying appellants’ motion for summary judgment.**
 - A. Appellants failed to preserve their challenge to the circuit court’s denial of their motion for summary judgment.**

We first address MGM’s contention that, by failing to renew their motion for summary judgment or file any motions following the submission of evidence, appellants waived their right to challenge the denial of summary judgment on appeal. MGM argues that appellants’ appeal is no more than an attempt to relitigate their claims after a full trial

on the merits that resulted in an unfavorable verdict. Appellants counter that, purely legal questions resolved at summary judgment are reviewable on appeal notwithstanding the failure to file a post-trial motion. According to appellants, their motion for summary judgment raised a purely legal question: whether using their friends' player's cards to redeem free-play with express consent was lawful. As such, appellants contend that they were not required to make any subsequent motions to preserve the issue for appeal.

Pursuant to Maryland Rule 8-131(a), we will not ordinarily decide an issue on appeal “unless it plainly appears by the record to have been raised in or decided by the trial court[.]” As we have explained, “[t]he purpose of this rule is to ‘require counsel to bring the position of [their] client to the attention of the lower court at the trial so that the trial court can pass upon, and possibly correct any errors in the proceedings.’” *Johnson v. Spireon, Inc.*, 266 Md. App. 198, 249 (2025), *cert. denied*, 492 Md. 444 (2025) (quoting *Chimes v. Michael*, 131 Md. App. 271, 288 (2000)).

To preserve a factual challenge, a party is “required specifically to make a motion for judgment pursuant to [Maryland] Rule 2-519 at the close of evidence. . . . [stating] with particularity all reasons why the motion should be granted.” *Gittin v. Haught-Bingham*, 123 Md. App. 44, 48 (1998) (citation omitted); *see also Dupree v. Younger*, 598 U.S. 729, 734 (2023) (“a party must raise a sufficiency-of-the-evidence claim in a post-trial motion to preserve it for appeal”). The purpose of this requirement is “to ensure that the opposing party is not ‘sandbagged’” and to afford the trial court an opportunity to “rule[] on some or all of the legal issues in the case, thus removing them from the jury’s consideration.” *Gittin*, 123 Md. App. at 48-49 (citation omitted).

The same is not true, however, when a motion for summary judgment raises only “purely legal issues -- that is, issues that can be resolved without reference to any disputed facts.” *Dupree*, 598 U.S. at 735.⁴ This is so because “[t]rials wholly supplant pretrial factual rulings, but they leave pretrial legal rulings undisturbed.” *Id.* Indeed, “a purely legal question is, by definition, one whose answer is independent of disputed facts, [therefore] factual development at trial will not [ordinarily] change the [trial] court’s answer.” *Id.* at 737.

As MGM aptly chronicles, after the circuit court denied appellants’ motion for summary judgment, the case proceeded through discovery and pre-trial motions practice. Appellants did not file a subsequent motion for summary judgment at the deadline for dispositive motions. Thereafter, a jury trial on the merits was conducted. At the close of evidence, appellants did not move for judgment pursuant to Maryland Rule 2-519. After the jury returned its verdict in favor of MGM, appellants did not move for judgment notwithstanding the verdict pursuant to Maryland Rule 2-532. Nor did appellants move for a new trial pursuant to Maryland Rule 2-533 after the circuit court entered judgment in MGM’s favor.

The question whether appellants preserved their challenge to the summary judgment denial for appeal, therefore, turns on whether their motion for summary judgment raised

⁴ Because “the Maryland summary judgment rules were taken from the federal rules of practice and procedure, . . . [the] interpretation of the federal rules [is] especially persuasive as to the meaning of the Maryland Rules.” *Dalijaco, Inc. v. Baugh*, ___ Md. App. ___, No. 1041, Sept. Term, 2024, slip op. at 19 n.8 (filed Dec. 19, 2025) (quoting *Diffendal v. Kash & Karry Serv. Corp.*, 74 Md. App. 170, 181 (1988)).

factual or purely legal issues. Appellants moved for summary judgment on their false imprisonment and battery claims. We address each in turn.

“[T]he necessary elements of a case for false imprisonment are a deprivation of the liberty of another without [their] consent and without legal justification.” *Montgomery Ward v. Wilson*, 339 Md. 701, 721 (1995) (quoting *Great Atl. & Pac. Tea Co. v. Paul*, 256 Md. 643, 654 (1970)). “Whatever technical distinction there may be between an ‘arrest’ and a ‘detention’ the test whether legal justification existed in a particular case has been judged by the principles applicable to the law of arrest.” *Great Atl. & Pac. Tea Co.*, 256 Md. at 655.

In Maryland a private person has authority to arrest without a warrant only when a) there is a felony being committed in [their] presence or when a felony has in fact been committed whether or not in [their] presence, and the arrester has reasonable ground (probable cause) to believe the person [arrested] has committed it; or b) a misdemeanor is being committed in the presence or view of the arrester which amounts to a breach of the peace. . . . Breach of the peace signifies disorderly, dangerous conduct disruptive of public peace

Id. at 655-56 (internal citations omitted).

In addition to the two scenarios providing legal justification to defeat a false imprisonment claim outlined above,

[a]ny property owner . . . has a common law privilege to detain against [their] will any person [the property owner] believes has tortiously taken [their property]. This privilege can be exercised only to prevent theft or to recapture property, and does not extend to detention for the purpose of punishment. This common law right is exercised at the [property owner’s] peril, however, and if the person detained does not unlawfully

have any of the arrester's property in [their] possession, the arrester is liable for false imprisonment.

Id. at 656 (citing *McCrorry Stores Corp. v. Satchell*, 148 Md. 279, 286 (1925)).

In their motion for summary judgment, appellants argued that, because using their friends' players cards with their express consent was not illegal, MGM did not have legal justification to detain them. According to appellants, the consent of the owners of the player's cards which appellants possessed and redeemed free-play from,⁵ coupled with the fact that responding police officers declined to arrest appellants, necessitates the conclusion that their conduct was legal.

In response, MGM argued that their security personnel possessed legal justification to detain appellants because appellants' conduct amounted to theft or fraud. Further, because special police officers were involved in the matter, MGM asserted that whether legal justification to arrest and detain existed was dependent, in part, on the security personnel's good faith and reasonable belief in their legal authority to arrest and detain. According to MGM, their security personnel's reasonable belief that they had authority to arrest and detain appellants was bolstered by the fact that, at the time of the incident, MGM security personnel were aware of three prior instances of Stucke engaging in similar

⁵ In their respective affidavits, Stucke and Jenkins both asserted: "While at MGM National Harbor on July 5, 2024, [sic] I had players cards belonging to friends which I possessed with their express permission and at their request so that I could redeem their free-play when it would be difficult for them to do so themselves." Appellants neither identified their friends by name, nor provided affidavits of their friends attesting that they did, in fact, consent to appellants' possession and use of their player's cards.

conduct at other MGM properties and that this conduct caused Stucke to be “flagged” upon entering any MGM casino.

Contrary to appellants’ assertion, whether MGM had legal justification to detain appellants is not a purely legal issue. Rather, whether MGM’s security personnel had the requisite legal justification to arrest and detain appellants is inextricably intertwined with factual issues such as whether appellants had the consent of their friends to possess the player’s cards and redeem free-play therefrom. Appellants’ failure to raise their argument anew in a post-trial motion, therefore, waived the issue on appeal.

We now turn to whether appellants raised a purely legal issue regarding their battery claim in their motion for summary judgment. “A battery occurs when one intends a harmful or offensive contact with another without that person’s consent.” *Nelson v. Carroll*, 355 Md. 593, 600 (1999) (citation omitted). Persons are not responsible for battery, however, if they were defending themselves, their property, or the property of their employer, provided that they use only such force as is reasonably necessary to protect themselves or the subject property. *See Maddran v. Mullendore*, 206 Md. 291, 300-01 (1955); *Stephens v. Dixon*, 30 Md. App. 56, 60-61 (1976). The question whether the amount of force used “was excessive is generally a question of fact to be determined by the jury in view of all the facts and circumstances in each particular case.” *Maddran*, 206 Md. at 300-01.

Here, whether MGM was liable for battery was not a purely legal issue “that can be resolved without reference to any disputed facts.” *Dupree*, 598 U.S. at 735. To be sure, in arguing that they were entitled to summary judgment on their battery claim, appellants

relied almost exclusively on the surveillance video, which left open critical questions of fact such as the intent of the MGM security personnel involved and whether the force used was reasonable. We, therefore, conclude that appellants failed to preserve their challenge to the denial of their motion for summary judgment.

We are not persuaded by MGM’s argument that *res judicata* and collateral estoppel preclude our review of the summary judgment denial on appeal. As the cases which MGM cites underscore, *res judicata* and collateral estoppel require two separate actions. *See, e.g., Thacker v. City of Hyattsville*, 135 Md. App. 268, 288 (2000) (explaining that collateral estoppel “precludes relitigation of issues actually litigated and necessary to the outcome of the *first action*”). These doctrines simply do not apply where, as here, there is only one case involved. Indeed, taken to its logical conclusion, MGM’s argument that *res judicata* and collateral estoppel apply to a single case such as this would all but eviscerate appellate review. Such a result cannot -- and is not -- correct. Nevertheless, we conclude that appellants did not properly preserve their challenge to the circuit court’s denial of their motion for summary judgment.

B. The circuit court did not abuse its discretion by denying appellants’ motion for summary judgment.

Even if appellants had preserved the issue, we discern no abuse of discretion in the denial of appellants’ motion for summary judgment.

As discussed *supra*, appellants argue that the circuit court’s summary judgment denial was in error because the conduct for which MGM detained appellants -- using their friends’ player’s cards to redeem free-play with their consent -- is not a crime and therefore,

MGM lacked legal justification to detain them.⁶ Further, appellants argue that, based on the surveillance video alone, they were entitled to summary judgment on their battery claim, therefore the circuit court’s denial of their motion for summary judgment on that count was in error.

MGM counters that denial of appellants’ motion for summary judgment was proper for two reasons.⁷ First, MGM contends that appellants’ motion was properly denied because it was premature. MGM reasons that, because the discovery deadline was months away, appellants’ motion for summary judgment was a misguided attempt to frustrate the Maryland Rules and case management of the underlying matter and therefore, the circuit court properly denied the motion. Second, MGM contends the summary judgment denial was proper because appellants were not entitled to judgment as a matter of law on either their false imprisonment or battery claim. As for the false imprisonment claim, MGM argues that its security personnel had legal justification to detain appellants based on the

⁶ Appellants rely heavily on *Mills v. Golden Nugget Atlantic City, LLC*, No. 19-19610, 2021 WL 3667076 (D.N.J. Aug. 18, 2021) and *Mills v. PPE Casino Resorts Maryland, LLC*, No. RDB-15-495, 2017 WL 2930460 (D. Md. July 10, 2017). Both cases involved the grant of summary judgment on claims of false imprisonment. Contrary to appellants’ assertion, our determination in the present action is not “governed by *Mills v. Golden Nugget*.” Because neither unreported Federal District Court decision is controlling, we decline to address either case here. *See, e.g., Selective Way Ins. Co. v. Nationwide Prop. & Cas. Ins. Co.*, 242 Md. App. 688, 746 n.19 (2019), *aff’d*, 473 Md. 178 (2021) (“It is the policy of this Court not to rely on any unreported federal . . . opinion as persuasive authority.”).

⁷ Additionally, MGM argues that dismissal of appellants’ motion for summary judgment was proper because the motion did not comply with the requirements of Rule 2-501. Because, as we shall explain, we conclude that denial of appellants’ motion for summary judgment was not an abuse of discretion given its timing and the disputed material facts, we need not address this argument.

conduct observed. Similarly, MGM reasons that the defenses of self-defense or protection of property eliminate any liability it could have had for battery.

Preliminarily, we reject MGM’s contention that appellants’ motion for summary judgment was premature. Nothing in the Maryland Rules precludes appellants from moving for summary judgment when they did. Nevertheless, it was within the circuit court’s discretion to deny appellants’ motion for summary judgment.

Indeed, as we recently explained, despite Rule 2-501’s mandatory language,

“[t]he denial of summary judgment may present any one of three possibilities. The first is when there is a genuine factual dispute that calls for a trial and for fact finding by judge or jury. The second is a discretionary option by the judge to allow further fact finding even when there is no genuine dispute of fact. The third is where judgment in favor of the other party is justified.” *Browne v. State Farm Mut. Auto. Ins. Co.*, 258 Md. App. 452, 481-82 (2023) (cleaned up). Even where the technical requirements for entry of summary judgment are met, a trial court has “discretion to refuse to pass upon, as well as discretion affirmatively to deny, a summary judgment request in favor of a full hearing on the merits[.]” *Metro. Mortg. Fund, Inc.*, 288 Md. at 28.

Dalijaco, Inc., slip op. at 15.

Although appellants’ motion for summary judgment was timely filed, we cannot say that the circuit court abused its discretion in any way in denying said motion. Indeed, when the motion was filed, discovery was ongoing; expert witnesses had yet to be identified, and many depositions were still pending. In such circumstances, denying appellants’ motion for summary judgment to permit further fact finding was plainly not an abuse of discretion.

Further, facts pertaining to whether MGM had legal justification to detain appellants were in dispute, namely what MGM security personnel knew at the time of the detainment.

In his interrogatory responses, an excerpt of which was appended to appellants' motion for summary judgment, Stucke asserted that he had never been trespassed, banned, or asked to leave any other casino property prior to the events at MGM on July 5, 2023. In its opposition to appellants' motion for summary judgment, however, MGM asserted that,

at the time of the incident, [MGM was] aware of three (3) separate prior instances at multiple MGM properties in which Mr. Stucke had either already been trespassed or departed from the premises before he could be trespassed once he was observed engaging in the illegal practice of using casino reward program benefits belonging to other individuals. Mr. Stucke's prior criminal behavior caused [appellants] to be "flagged" whenever they entered an MGM Casino.

Similarly, material facts concerning MGM's defenses to the battery claim were in dispute, such as whether the security personnel were acting to protect themselves or MGM's property and, if so, whether the amount of force used was reasonable. Denial of appellants' motion for summary judgment, therefore, was further warranted because material facts were in dispute.

Although we empathize with appellants regarding the treatment they endured at the hands of MGM's security personnel, we decline to open the back door through which appellants seek to enter. After a full trial on the merits, the jury -- as ultimate fact finder -- returned a verdict for MGM. Despite the arguments which appellants now raise, and which were raised in their motion for summary judgment, appellants made no post-trial motions, nor do they challenge the jury's verdict on appeal. Instead, appellants ask us to supplant the jury's verdict by going back in time to determine that -- based on a factual record not yet fully developed -- summary judgment should have been granted in their

favor. Under the circumstances of this case, and discerning no abuse of discretion, we decline to disturb the circuit court's denial of appellants' motion for summary judgment.

CONCLUSION

For the foregoing reasons, we conclude that appellants did not preserve their challenge to the circuit court's denial of their motion for summary judgment. We further conclude that, even if preserved, the circuit court's denial of appellants' motion for summary judgment was not an abuse of discretion. We, therefore, affirm the judgments of the circuit court.

**JUDGMENTS OF THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANTS.**