

Circuit Court for Baltimore County
Case No.: C-03-CV-23-000301

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2404

September Term, 2023

DR. IRIS LAMAE SHIELDS

v.

KENNEDI BALDWIN, ET AL.

Nazarian,
Reed,
Albright,

JJ.

Opinion by Reed, J.

Filed: May 20, 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 case concerns a motor vehicle accident where Appellee Ms. Kennedy Baldwin's car struck Appellant Dr. Iris Shields' vehicle. At the time, Appellant was insured by another appellee in this case, GEICO. Appellant filed a negligence claim against Appellee Baldwin and a breach of contract claim against Appellee GEICO, for failing to pay underinsured motorist coverage. At trial, Baldwin admitted liability. Appellant sought to dismiss Baldwin under Maryland Rule 2-506(c) to pursue her claim solely against GEICO, but the court denied the motion.

Ultimately, the jury found Appellee Baldwin liable but awarded Appellant \$0 in damages. Appellant moved for a new trial, arguing the \$0 jury award was inconsistent with the liability finding. The trial court denied the motion, holding the jury had adequate evidence to reach its conclusion after the three-day trial. This appeal followed.

Appellant has presented three questions for our review:

- 1) Did the trial court commit legal error when it denied Appellant's motion to dismiss her claims against the tortfeasor Baldwin after she admitted liability?
- 2) Did the trial court commit legal error when it permitted GEICO's attorney, over objections, to falsely advise the jury that Appellant had sustained knee and back injuries in prior motor vehicle accidents?
- 3) Did the trial court abuse its discretion when it denied Appellant's motion for a new trial and motion for judgment notwithstanding the verdict?

We answer each question in the negative and affirm the judgments of the circuit court.

FACTUAL AND PROCEDURAL HISTORY

This case arises from a motor vehicle accident that occurred on December 2, 2022 when Appellant was involved in a collision with Baldwin. Appellant was insured by GEICO during the collision.

On January 23, 2023, Appellant filed a complaint in the Circuit Court for Baltimore County against Appellee Baldwin, alleging Baldwin’s negligence caused the accident. Appellant’s complaint also brought a breach of contract claim against GEICO, for breaching the contract related to her underinsured motorist coverage. The case proceeded through pre-trial litigation and discovery for nearly a year before going to trial.

Trial commenced on January 18, 2024. On the first day of trial, Appellee Baldwin effectively admitted liability. During opening statements, Baldwin’s counsel explained “my client, Kennedi Baldwin, has taken full responsibility for this accident.” As a result, on the second day of trial, Appellant moved to voluntarily dismiss Appellee Baldwin under Maryland Rule 2-506(c), preferring to proceed solely against GEICO. The trial court denied this motion, reasoning that the timing of the dismissal would prejudice Appellee Baldwin, who had already invested substantial effort in trial preparation and litigation.

During trial, a dispute arose concerning references to Appellant’s prior car accidents and resultant injuries. During opening statements, Appellant objected to GEICO’s mention of earlier accidents. The trial judge overruled the objection. Subsequent testimony from Appellant confirmed her history of multiple prior injuries, including back and shoulder issues resulting from past car accidents. Appellant herself went on to discuss these prior injuries during direct examination. Appellant’s counsel did not object during cross-

examinations or during GEICO’s closing argument when these past injuries were mentioned.

At trial, Appellant called the physician who managed her medical treatment following the accident, Dr. Louis Halkiman. Dr. Halkiman began treating Appellant on December 5, 2022, a day after the subject accident occurred.

Dr. Halkiman testified about Appellant’s medical expenses based on a packet of documents provided to him by Appellant. This packet included medical bills, claims statements, and images of online payment portals. Dr. Halkiman testified he depended on these records, as he did not personally handle Appellant’s billing or generate the bills himself. Based on these documents, Dr. Halkiman’s also testified about the cost of other providers who treated Appellant.

These documents were admitted for identification purposes, and Dr. Halkiman read from and relied on them throughout his testimony. However, the documents were never offered or entered evidence. During cross-examination, Dr. Halkiman acknowledged that many of the documents he relied on did not clearly describe the nature or purpose of each treatment administered.

At the conclusion of the trial, the jury returned a verdict finding Appellee Baldwin liable but awarded \$0 in damages.

On January 25, 2024, Appellant filed a motion for a new trial, asserting the damages award was inconsistent with the liability finding. The trial court denied the motion, explaining “the jury had an ample opportunity over the course of a three (3) day trial to

see, hear and weigh the testimony of the witnesses and review the documentary evidence admitted during their deliberations.”

ANALYSIS

1. Voluntary Dismissal

Parties’ Positions

Appellant argues the trial judge abused his discretion in denying the motion to dismiss Appellee Baldwin under Maryland Rule 2-506 because she was entitled under Maryland case law to elect to sue either the tortfeasor or the insurance carrier.

Appellees argue the trial judge did not abuse his discretion in denying the voluntary dismissal motion, particularly because the motion was filed too late, and that dismissal would needlessly complicate litigation.

Standard of Review

When a trial judge denies a motion to voluntarily dismiss under Maryland Rule 2-506, the trial judge’s decision “will not be overturned on appeal absent a showing that the judge abused [their] discretion.” *Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 418 (2007). A trial judge abuses their discretion when “no reasonable person would take the view adopted by the trial court or when the court acts without reference to any guiding principles.” *Id.* (citations omitted) (cleaned up).

Discussion

Voluntary dismissal of claims is governed by Maryland Rule 2-506:

Rule 2-506. Voluntary Dismissal.

a) By Notice of Dismissal or Stipulation. Except as otherwise provided in these rules or by statute, a party who has filed a complaint, counterclaim, cross-claim, or third-party claim may dismiss all or part of the claim without leave of court by filing (1) a notice of dismissal at any time before the adverse party files an answer or (2) a stipulation of dismissal signed by all parties to the claim being dismissed.

(b) Dismissal Upon Stipulated Terms. If an action is settled upon written stipulated terms and dismissed, the action may be reopened at any time upon request of any party to the settlement to enforce the stipulated terms through the entry of judgment or other appropriate relief.

(c) By Order of Court. Except as provided in section (a) of this Rule, a party who has filed a complaint, counterclaim, cross-claim, or third-party claim may dismiss the claim only by order of court and upon such terms and conditions as the court deems proper. If a counterclaim has been filed before the filing of a plaintiff's motion for voluntary dismissal, the action shall not be dismissed over the objection of the party who filed the counterclaim unless the counterclaim can remain pending for independent adjudication by the court. If a third-party claim has been filed before the filing of a plaintiff's motion for voluntary dismissal, the court, in its discretion, may dismiss the action over the objection of the party who filed the third-party claim, but the court may not dismiss a third-party claim that is non-derivative and, if refiled, would be barred by an applicable statute of limitations.

(d) Effect. Unless otherwise specified in the notice of dismissal, stipulation, or order of court, a dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a party who has previously dismissed in any court of any state or in any court of the United States an action based on or including the same claim.

(e) Costs. Unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action or the part dismissed.

Md. Rule 2-506.

When a plaintiff moves to voluntarily dismiss a case without prejudice under Rule 2-506, Maryland trial courts “will generally grant a motion for voluntary dismissal unless the defendant(s) will suffer some ‘plain legal prejudice’ if the dismissal is granted.” *Skevofilax*, 396 Md. at 419. Trial courts use four factors to determine whether a defendant would suffer plain legal prejudice if dismissal is granted:

the non-moving party's effort and expense in preparing for litigation; (2) excessive delay or lack of diligence on the part of the moving party; (3) sufficiency of explanation of the need for a dismissal without prejudice; and (4) the present stage of the litigation, i.e., whether a motion for summary judgment or other dispositive motion is pending.

Id. at 420.

Here, the first three factors all suggest that Appellees would face plain legal prejudice by granting Appellant's motion to dismiss Appellee Baldwin. As a result, these factors weigh against voluntary dismissal.

First, Appellee Baldwin spent much effort and expense preparing for trial. Pretrial litigation and discovery had been ongoing for over a year, and argument and examinations had already commenced. As the trial judge noted, "it's a day into trial, [Baldwin's] counsel has prepared for trial, has filed a response, and is entitled to defend the client."

Second, Appellant waited a significantly long time before moving to dismiss Appellee Baldwin. Rule 2-506(a) requires the notice of dismissal be filed either "before the adverse party files an answer," or with a "stipulation of dismissal signed by all parties to the claim being dismissed." Md. Rules 2-506(a). Appellee Baldwin filed an answer denying liability on March 3, 2023, well before Appellant's January 22, 2024 oral motion to voluntarily dismiss Baldwin at the trial. The record does not contain any record of a stipulation of dismissal. We conclude Appellant's motion was excessively delayed.

Third, Appellant offers no justification for dismissal. Appellant's argument largely depends on Maryland cases stating an "insured has the option of initially bringing a contract action against his uninsured motorist carrier or of initially bringing a tort action against the uninsured tortfeasor and thereafter bringing a contract action against the

uninsured motorist carrier.” *Lane v. Nationwide Mut. Ins. Co.*, 321 Md. 165, 170 (1990). Appellant interprets this language to mean that she has a “right” to seek underinsured motorist benefits “in the manner desired.”

But nothing in *Lane* or other opinions Appellant cites suggest a plaintiff is entitled to freely dismiss defendants in midst of trial. To the contrary, *Lane* only presents the option “initially,” and involved dismissing defendants during the pre-trial phase. *Id.* Here, trial was already underway. The trial judge clearly noted that he denied Appellant’s motion because “[i]t’s a day into the trial,” additionally commenting “Counsel, you are mid-trial at this point.”

Also, Appellant’s counsel conceded at trial that following voluntary dismissal, Baldwin, “would still be a Cross-Defendant to GEICO, she would still be a party.” In the event GEICO was found liable, Appellee Baldwin would have needed to be added back to the case as a cross-defendant, as GEICO would maintain subrogation rights against Baldwin. Moreover, because Appellant sought to dismiss without prejudice, Appellant would have maintained the right to refile a future action against Appellee Baldwin.

Unsurprisingly, the trial judge was concerned that dismissing Appellee Baldwin would convolute the trial and potential future proceedings:

But aren’t you requiring Ms. Baldwin to defend potentially two separate actions, a cross claim and this case mid-trial; and if you choose to re-file, your claim against her at a future proceeding, how is that an efficient administration of justice to dismiss the claim at this point?

We share these concerns and hold that rather than a compelling need to dismiss Appellee Baldwin, her dismissal would only have needlessly complicated the litigation.

Only the fourth factor weighs in favor of voluntary dismissal because there was no pending dispositive motion. We concur with the circuit court that the timing of the dismissal request and Appellee Baldwin’s preparedness and willingness to defend herself would have caused Appellee Baldwin plain legal prejudice had the voluntary dismissal been granted. Accordingly, we find the trial court did not abuse its discretion in denying Appellant’s motion under Rule 2-506(c).

2. Appellant’s Past Injuries

Appellant’s Position

Appellant contends that GEICO improperly argued to the jury that Appellant had sustained prior knee and back injuries without a sufficient evidentiary foundation. Appellant points to statements GEICO’s counsel made in opening statements, cross-examinations, and in closing statements.

Standard of Review

In general, “the course and conduct of trial is left to the sound discretion of the trial court and its decisions in this regard will not be reversed absent abuse.” *Applied Indus. Techs. v. Ludemann*, 148 Md. App. 272, 289 (2002). This includes “[s]urveillance of counsel’s argument to the jury,” which “is within the sound discretion of the trial judge and will not be disturbed on appeal unless clearly prejudicial.” *Bd. of Cnty. Comm’rs of Frederick Cnty. v. Dorcus*, 247 Md. 251, 261 (1967). It further includes “control over the scope of cross-examination [which] has traditionally been left to the discretion of the trial court unless there is a showing of prejudicial abuse of discretion.” *Comm’n on Med. Discipline v. Stillman*, 291 Md. 390, 422 (1981).

Discussion

- a. There is no order related to Maryland Rule 19.303.3 for our review.

Appellant alleges that mention of Appellant’s previous injuries violated Maryland Rule 19-303.3 by offering evidence GEICO’s counsel knew to be false. Appellant’s brief levies general accusations but does not cite to the record to show any particular example of when GEICO’s counsel knowingly provided false evidence. Though Appellant raised Rule 19.303.3 in their motion for new trial, the trial judge did not rule on these arguments.

Appellant has also not cited any case where an attorney violating Rule 19-303.3 justified reversal of the underlying case. This makes sense, as Rule 19-303.3 and the other Maryland Attorney’s Rules of Professional Conduct, are used in disciplinary hearings of attorneys, and are not enforceable by opposing attorneys:

Violation of a Rule does not itself give rise to a cause of action against an attorney nor does it create any presumption that a legal duty has been breached. In addition, **violation of a Rule does not necessarily warrant any other non-disciplinary remedy**, such as disqualification of an attorney in pending litigation. The Rules are designed to provide guidance to attorneys and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, **the purpose of the Rules can be subverted when they are invoked by opposing parties as procedural weapons. The fact that a Rule is a just basis for an attorney’s self-assessment, or for sanctioning an attorney under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the Rule.** [...]

Md. Rule 19-300.1[20] (emphasis added).

We could end our discussion there. On appellate review, “if a point germane to the appeal is not adequately raised in a party’s brief, the appellate court may, and ordinarily should, decline to address it.” *Moosavi v. State*, 355 Md. 651, 660 (1999) (quoting *DiPino*

v. Davis, 354 Md. 18, 56 (1999)) (cleaned up). A Rule 19-303.3 violation would not justify reversal of this case and was not raised below. Appellant has not otherwise explained a legal premise for the alleged error. They point us to no statute, rule, nor case law that was violated resulting in reversible error.

- b. Appellant’s complaints about the content of cross-examination and closing statements were not preserved for our review.

Appellant generally alleges that because Appellee’s made arguments related to Appellant’s past injuries, “Appellant did not receive a fair trial.” We interpret Appellant’s brief to argue that some improper evidentiary ruling was an abuse of discretion, requiring reversal. It is true, “in a case where arguments are not made in an appellant’s brief the appellate court may in its discretion, consider the arguments despite the deficient briefing.” *Id.* at 661 (quoting *Ritchie v. Donnelly*, 324 Md. 344, 375 (1991)). But the problem is that Appellant did not object during Appellant’s cross-examination, or during Appellee’s closing arguments. To preserve an evidentiary issue for our review, “[w]hat is required is a timely and clearly stated objection made to the trial court so that the court has an opportunity to consider the issue and to correct the error.” *Jordan v. State*, 246 Md. App. 561, 586-87 (2020). Likewise, to preserve an objection to the impeachment of a witness or the admission of impeaching evidence for appeal, it must first be properly raised in the trial court. *Cohen v. Engel*, 229 Md. 87, 91 (1962). Here, because Appellant failed to object during cross-examination and closing argument, we cannot review any alleged errors which then occurred.

- c. The trial judge did not abuse his discretion by overruling Appellant’s objection during opening statements.

Appellant objected to GEICO’s counsel mentioning Appellant’s prior injuries during opening statements:

[GEICO’S COUNSEL]: Good afternoon. My name is Ryan, I’m the last attorney you’ll hear from, so I’m going to keep this very brief. You’ve already heard two openings. We’re here because of a motor vehicle accident, you obviously know that by now. I’ll get to that accident, but first I want to touch on who the Plaintiff was before this accident happened. The Plaintiff had multiple prior accidents in which she was injured –

[APPELLANT’S COUNSEL]: Objection. Can we approach?

[...]

[APPELLANT’S COUNSEL]: Your Honor, multiple accidents. She had an accident in 2017 and injured her right shoulder. It's not even relevant to this.

The trial judge overruled Appellant’s objection, explaining “[t]hat’s what he hopes the evidence will be. That’s what he’s telling them, the evidence. Step back.” The trial judge’s explanation accords with the Maryland Supreme Court’s observation that, “the purpose of an opening statement is to acquaint the judge and jury with the facts that counsel hopes and expects to prove...” *Hartman v. Meadows*, 243 Md. 158, 162 (1966).

We further note that Appellant went on to testify, just as GEICO’s counsel claimed in their opening statement, that she had multiple prior accidents in which she was injured:

[APPELLANT’S COUNSEL]: Can you tell the ladies and gentlemen of the jury what your injuries were as a result of the 2017 accident?

[APPELLANT]: I had back injuries in my right side — my entire right side, including my shoulder.

Q: Did you sustain any knee injuries in the 2017 accident?

A: I did not.

Q: Can you tell the ladies and gentlemen of the jury when that occurred?

A: I believe it was 2004.

[...]

Q: Did you sustain injuries as a result of that accident?

A: I did.

We cannot conclude the trial judge abused his discretion by allowing GEICO's counsel to preview the evidence of Appellant's prior accidents to the jury during opening statements.

3. The Motion for New Trial

Parties' Positions

Appellant contends the jury finding Appellee Baldwin liable, while awarding \$0 in damages, was inconsistent and unsupported by the evidence. Appellant argues that Dr. Halkiman's testimony established her medical expenses and supported her claim for both past and future non-economic damages. As a result, Appellant maintains that the trial court erred by denying her motion for a new trial, as the verdict was made against the weight of the evidence.

Appellees argue that the \$0 damages award was legally sound and supported by the evidence. Appellees particularly emphasize deficiencies in Dr. Halkiman's testimony. Appellees argue his testimony lacked credibility and detail, was based on documents not admitted into evidence, discussed information beyond his personal knowledge and did not clarify the nature of the treatments.

Appellees further point to evidence of Appellant’s prior injuries and her ongoing ability to work and live actively, which allowed the jury to reasonably conclude that she suffered no compensable damages from the accident. Appellees therefore maintain that the trial judge acted within his discretion in denying a new trial.

Standard of Review

We review “a trial court’s denial of a motion for new trial using the abuse of discretion standard.” *Mason v. Lynch*, 151 Md. App. 17, 28 (2003). When we review a jury verdict upon a denied motion for new trial, “it is not the function of an appellate court to second-guess a jury’s award of damages so long as there is evidence in the record that supported the verdict.” *Butkiewicz v. State*, 127 Md. App. 412, 425 (1999).

Discussion

We first note that a finding of liability does not make a \$0 damages award contradictory. We have upheld a jury’s refusal to award damages even though there was liability before. *Mason*, 151 Md. App. at 30. In *Mason*, we explained that trials court have “the broadest range of discretion” in ruling on a motion for new trial, especially when assessing “the character of the testimony and of the trial.” *Id.* at 28. Although expert witnesses in *Mason* agreed appellant sustained some injury, the jury was “at liberty to reach the conclusion that it did” and reject any portion of the evidence, resulting in their \$0 verdict. *Id.* at 30. Ultimately, the decision to deny a new trial rested on the judge’s impressions of fairness and credibility, so there was no abuse of discretion.

Our review of the record reveals the jury had evidence to support a \$0 damages award. We briefly discuss the evidence that supported a \$0 jury verdict for each category of damages.

a. Past Medical Bills

The jury did not have documentary evidence of Appellant’s medical costs. All evidence of Appellant’s medical costs was provided as oral testimony from Dr. Halkiman. On cross-examination, Dr. Halkiman conceded that he did not personally handle billings, and that the documents he based his testimony upon did not describe what treatments were being administered. “[I]t is axiomatic that the jury, as the trier of fact, is entitled to judge the credibility of the witnesses.” *Id.* at 428. If the jury did not accept Dr. Halkiman’s testimony, they had no evidence to support a damages award.

b. Past Non-Economic Damages

The only medical expert who testified at trial was Dr. Halkiman, who did not begin treating Appellant until after the car accident in this case. He therefore had no basis to differentiate between non-economic damage caused by the accident, and non-economic damages caused by prior injuries. Evidence of Appellant’s prior injuries could support a jury verdict that all past non-economic damages were born of other prior injuries.

c. Future Non-Economic Damages

The jury heard testimony that Appellant maintained an active and healthy lifestyle, able to walk eight miles in two-mile intervals. Appellant did not provide any documentation of lost wages. This evidence could support a jury verdict that Appellant would not suffer future non-economic damages resulting from the accident.

CONCLUSION

The trial judge acted within his discretion 1) when denying Appellant’s motion to dismiss Appellee Baldwin; 2) in overruling Appellant’s objection during opening statements; and 3) when denying the motion for new trial. Accordingly, we affirm the judgment of the circuit court.

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