

Circuit Court for Montgomery County and Washington County
Case Nos. C-15-CV-22-004526 and C-21-CV-23-000204

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

Nos. 1833, 270, and 388

September Term, 2023 & 2024

JODIE BYRNE

v.

MICHAEL YARRINGTON, ET AL.,

Friedman,
Shaw,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Shaw, J.

Filed: March 13, 2025

*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 stems from two civil cases, one from the Circuit Court for Montgomery County and one from the Circuit Court for Washington County, both of which were brought by Appellant, Jodie Byrne, *pro se*, as the plaintiff. The cases were ultimately dismissed by the respective circuit courts, and Appellant noted separate appeals of those judgments to this Court. We later consolidated those appeals into the instant appeal.

In this consolidated appeal, Appellant, *pro se*, claims a variety of errors and grievances, which we outline in greater detail below.¹ Having found no error, we affirm.

BACKGROUND

Montgomery County Action Initiated

In December 2022, Appellant filed, in the Circuit Court for Montgomery County, a civil complaint against her brother, Michael Yarrington, and her uncle, Bruce Laing (collectively the “Defendants”). Appellant alleged that she should have been entitled to certain assets following the death of her mother but that the Defendants had taken control of the assets and refused to give Appellant her rightful share. Appellant also alleged, among other things, that she had suffered “economic violence” and “psychological abuse” at the hands of the Defendants; that she had been subjected to “a decade of psychological abuse from the broken court system;” and that the Defendants were “abusers” who had manipulated the court system to steal her assets. Appellant claimed damages of \$2,687,000.00, plus interest.

¹ Appellant also raises arguments regarding several related dispositions from the District Court of Maryland. Because those dispositions are not properly appealable to this Court, we will not address Appellant’s arguments as to those cases. *See* Md. Code, Cts. & Jud. Proc. § 12-308.

In February 2023, Yarrington filed an answer, denying all of Appellant’s allegations. Laing did not file an answer. Over the next several months, Appellant filed an assortment of motions and pleadings, including an interlocutory appeal to this Court. In those filings, Appellant made unfounded accusations of wrongdoing against the Defendants and several judges.

In June 2023, the Montgomery County Circuit Court entered, at Yarrington’s request, a “Pre-Filing Injunction” against Appellant. The court found that Appellant had “a long history of vexatious, harassing, duplicative and frivolous lawsuits,” that she did “not have a good faith expectation of prevailing in this matter,” and that she had “caused needless expense to the Defendants and to the courts.” The court ordered, among other things, that Appellant be enjoined from filing, as a self-represented litigant, any new pleadings, papers, or motions involving Yarrington without first filing a motion for permission from the court. The court declared that Appellant’s failure to abide by that order “shall be sufficient grounds for denying permission to file and shall constitute contempt of this court.”

Montgomery County Action Against Laing Dismissed

In May 2023, the Montgomery County Circuit Court entered a “Notice of Contemplated Dismissal” as to Laing. The court stated that, pursuant to Maryland Rule 2-507, Appellant’s action against Laing was subject to dismissal for failure of service. The court stated that the case against Laing would be dismissed within thirty days of the notice

“unless before that time a written motion showing good cause to defer the entry of the order of dismissal is filed.”

Shortly thereafter, Appellant filed a “Motion Presenting Evidence of Jurisdiction and Service to Bruce Laing.” In that motion, Appellant stated that Laing “was given notice from Blue Ridge Summit Free Library and Post Office in Pennsylvania on 12/8/23.” Appellant stated that she had also sent “copies of filings to his sister Anne Laing and to his email address.”

In September 2023, the Montgomery County Circuit Court dismissed the action against Laing “for want of jurisdiction.” Appellant noted an appeal of that decision to this Court.

Montgomery County Action Against Yarrington Dismissed

Following the dismissal of the action against Laing, Appellant’s action against Yarrington continued, and a trial was ultimately scheduled for April 3, 2024. Prior to trial, Appellant filed two motions to postpone. The Montgomery County Circuit Court subsequently struck both motions on the grounds that Appellant failed to obtain approval from the court prior to filing the motions, as required by the court’s pre-filing injunction order.

On April 3, 2024, the Montgomery County Circuit Court held the trial as scheduled. Appellant did not appear for trial. The court thereafter dismissed Appellant’s complaint “for failure to appear and prosecute the matter.” Appellant noted an appeal of that decision to this Court.

Washington County Action Initiated

In May 2023, while Appellant’s Montgomery County action was working its way through that court, Appellant filed, in the Circuit Court for Washington County, a civil complaint against Yarrington. In that complaint, which was titled “Emergency Motion for a Hearing in the POA Case for Garry Yarrington,” Appellant alleged that her father, Garry, was being abused and that Yarrington, her brother, was abusing her and stealing her father’s assets. Appellant also alleged, among other things, that Yarrington’s attorney, Steve Burgoon, had abused her and her father and had stolen their money.

After filing an answer and generally denying Appellant’s allegations, Yarrington filed multiple motions asking the Washington County Circuit Court to issue a prefiling injunction against Appellant and to dismiss her complaint.

Washington County Action Dismissed

On March 4, 2024, the Washington County Circuit Court granted Yarrington’s injunction request and dismissed Appellant’s complaint. The court found that Appellant had “failed to state a cognizable, good faith claim.” The court also found that Appellant had “filed numerous meritless motions” and had “made numerous threats and personal attacks against the opposing party, opposing counsel and the Court.” Appellant noted an appeal of that decision to this Court.

Appellant’s Appeals Consolidated

While Appellant’s three appeals were pending, this Court consolidated those appeals into the instant appeal. Additional facts will be supplied as needed below.

DISCUSSION

In this consolidated appeal, Appellant, *pro se*, presents a host of grievances, some of which concern the circuit courts' decisions to dismiss her complaints, which are properly before this court, and some of which concern collateral or unrelated issues.² Although Appellant's brief is clear in some respects, it is generally difficult to discern the exact nature of her arguments. Appellant's brief does include seven "Questions Presented," which she has set forth not as questions, but rather as numbered paragraphs containing various statements, arguments, and prayers for relief. It appears that these numbered paragraphs encapsulate the brunt of Appellant's appellate arguments. For the sake of clarity and brevity, we will restate, verbatim, those paragraphs, and we will address, as best we can, the arguments raised therein. As we explain, all of Appellant's arguments and requests for relief are either without merit or not properly before this Court. Accordingly, we affirm.

A.

Appellant's first question was stated as follows:

The court should order restitution asap of 2,187,000 dollars [p]lus the cost of the additional damage done by the defendants to be paid within 30 days by the defendants. I demand my Jeep be replaced with a 150K fine against these abusers and my dog Bella receive to be compensation 500K for the abuse she has suffered. Mr. Laing has used my money long enough and so has Mr. Yarrington. They both borrowed against my mother's inheritance and manipulated all.

² Yarrington filed an appellee brief in which he challenges all of Appellant's arguments and requests for relief and asks that we affirm the courts' judgments. Because we agree that Appellant's arguments and requests for relief are meritless and that affirmance is appropriate, we need not set forth the details of Yarrington's opposition.

This Court has appellate jurisdiction over “any reviewable judgment, decree, order or other action of a circuit court, and an orphans’ court.” Md. Code, Cts. & Jud. Proc. § 12-308. This Court does not have the authority to award damages requested in the underlying action. To the extent that Appellant is arguing that she should have received damages in the Montgomery County action against Laing and Yarrington, we find no merit to the claim. Appellant’s complaint against Laing was dismissed for failure of service, while the complaint against Yarrington was dismissed because Appellant failed to appear for trial.

B.

Appellant’s second question was stated as follows:

The court did not allow a trial and did not make the other side provide even a copy of any will or medical record. Nothing, I asked, was given. Depositions were cut off by Steve Burgoon. He lied and abused me. Steve ended the Deposition because the court allowed him to abuse.

We find no error or abuse of discretion in the Montgomery County Circuit Court’s refusal to hold a trial on Appellant’s claims against Laing and Yarrington. The record shows that Appellant failed to effectively serve process on Laing in accordance with the Maryland Rules; therefore, the court was justified in dismissing Appellant’s complaint against Laing. *See Conwell L. LLC v. Tung*, 221 Md. App. 481, 498–506 (2015) (explaining effective service of process under the Maryland Rules and the consequences of failing to abide by that process). As to Yarrington, a trial was scheduled, but Appellant failed to appear. The court was therefore justified in canceling the trial and dismissing Appellant’s complaint. *See Zdravkovich v. Siegert*, 151 Md. App. 295, 305–09 (2003)

(holding that the trial court did not abuse its discretion in dismissing the plaintiff’s case after the plaintiff failed to appear at trial). To the extent that Appellant is claiming that the court should have granted her requests to postpone trial, we note that the court struck those filings because they violated the court’s pre-filing injunction, which required Appellant to obtain approval from the court before submitting any filings. The court was therefore justified in refusing to accept those filings. *See Riffin v. Cir. Ct. for Balt. Cnty.*, 190 Md. App. 11, 21–29 (explaining a court’s power to issue a pre-filing injunction “to control the actions of a vexatious or frivolous litigant”).

We likewise find no error or abuse of discretion in the Washington County Circuit Court’s refusal to hold a trial. The court dismissed Appellant’s complaint, and did not hold a trial, because Appellant “failed to state a cognizable, good faith claim.” We have reviewed Appellant’s complaint, and we agree that Appellant failed to state a cognizable claim for relief. The court was therefore justified in dismissing the complaint. *See Eastland Food Corp. v. Mekhaya*, 486 Md. 1, 20 (2023) (noting that a court may dismiss a complaint if the plaintiff fails to state a cause of action).

C.

Appellant’s third question was stated as follows:

Steve Burgoon needs to be disbarred. The Lower court Judges laughed at me. They believed gossip, I built my own log cabin; I have 3.75 GPA in Data Analytics. The courts are filled with rude psychopaths according to the studies of Judges and Lawyer personality test and books have been written about this. For example: “California: State of Collusion” by Joseph Tully. I have worked brutally my entire life to sleep rough in a Jeep with my Saint Bernard and collect social welfare while the men live off my money.

Again, this Court has appellate jurisdiction over the circuit courts' judgments. We do not have the authority to disbar an attorney. To the extent that Appellant is claiming that counsel or the circuit courts engaged in some improprieties that affected the courts' decisions, we find nothing in the record to support such a claim.

D.

Appellant's fourth question was stated as follows:

They say the courts are open to all but it's not. Apparently not. They allowed Steve Burgoon to abuse me and take my money. Judge Eaves sentences me to a life of abuse. What kind of person gives a convicted wife beater the children and thinks it will all work out. The evidence is of a loving devoted mother. I slept with children and home schooled them and enrolled them in Peabody. I took them to Europe to study for a summer.

Again, we find nothing in the record to support Appellant's claim that counsel and/or the circuit courts engaged in certain improprieties. The record shows that the courts acted fairly and within the bounds of the law.

E.

Appellant's fifth question was stated as follows:

The Appellant to have POA over my father asap I can provide a home for my father and paid 24-hour nursing care by a RN. Mr. Yarrington does not even visit my father. My father does not deserve to end his life in a place that abuses people. I am not a psychopath, but I do have issues with navigating psychopaths.

Again, this Court has appellate jurisdiction over the circuit courts' judgments. We do not have the authority to award the relief requested in the underlying action. To the extent that Appellant is claiming that the Washington County Circuit Court erred in not

granting her the requested relief, we disagree. As discussed, the court properly dismissed Appellant’s complaint on the grounds that Appellant failed to state a cognizable claim.

F.

Appellant’s sixth question was stated as follows:

Judges like, Judge Eaves, Carr and Wilson should not hold a place in our Judicial system. I have one life, and my entire family has been destroyed because I reported a crime and expected the laws to be followed. My father is an innocent party and abuse victim. He spent his life helping others including me and my children.

Again, we find nothing in the record to support Appellant’s claim that the circuit courts engaged in various improprieties. The record shows that the courts acted fairly and within the bounds of the law.

G.

Appellant’s seventh and final question was stated as follows:

The lower court should have combined the cases and allowed deposition, evidence to flow back and forth. The lower courts should not have abused me. They totally dismissed these serious human rights atrocities.

Maryland Rule 2-503(a) permits the circuit court to consolidate actions when the actions “involve a common question of law or fact or a common subject matter[.]” That decision is discretionary. *Shabazz v. Bob Evans Farms, Inc.*, 163 Md. App. 602, 631–32 (2005).

Here, we find no evidence that the circuit court abused its discretion in refusing to combine Appellant’s cases. Although there was some overlap between the two actions, the actions were filed in separate venues and involved distinct grievances and distinct claims

for relief. In addition, the Montgomery County action had an additional defendant (Laing). Under the circumstances, the circuit court was justified in maintaining separate actions.

CONCLUSION

In sum, Appellant has presented no evidence or argument to suggest that the circuit courts erred or abused their discretion in entering the judgments at issue in this consolidated appeal. Accordingly, we affirm.

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