

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Mashelia Gibson v. Maryland Motor Vehicle Administration

Gibson · No. 20-cv-3220-ABA · Decided April 6, 2026

SUMMARY

The United States District Court for the District of Maryland granted the Maryland Motor Vehicle Administration’s motion to strike and exclude the de bene esse deposition testimony of Plaintiff’s handwriting expert, Wendy Carlson. The court held that the opinions offered at deposition were not disclosed in the expert report and that the nondisclosure was neither substantially justified nor harmless under Federal Rules of Civil Procedure 26 and 37.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Adam B. Abelson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	April 6, 2026
DOCKET	20-cv-3220-ABA
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the defendant's motion to strike and exclude the plaintiff's handwriting expert's de bene esse deposition testimony from use at trial.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 37(c)(1), an undisclosed expert opinion is excluded unless the failure to disclose was substantially justified or harmless.
PRECEDENTIAL VALUE	unpublished
PARTIES	Mashelia Gibson v. Maryland Motor Vehicle Administration

TOPICS

- expert testimony
- discovery dispute
- evidence
- civil procedure

PRACTICE AREAS

- civil procedure
- evidence
- expert testimony
- employment and civil rights litigation

QUESTIONS PRESENTED

1. Whether the plaintiff's handwriting expert's de bene esse deposition testimony should be excluded because it disclosed opinions not contained in the expert's report.
2. Whether the plaintiff's failure to supplement or provide a rebuttal expert report was substantially justified or harmless under Federal Rule of Civil Procedure 37(c)(1).
3. Whether the plaintiff could testify about her own handwriting and writing conduct without offering specialized handwriting-analysis opinions.

HOLDINGS

1. An expert may not offer at trial opinions that were not disclosed in the expert's report or in a required supplemental or rebuttal report.
2. Exclusion was warranted because the plaintiff's failure to disclose the additional expert opinions was neither substantially justified nor harmless.
3. The plaintiff may generally testify about how she writes and what she did or did not write, but may not offer testimony requiring specialized knowledge of handwriting analysis.

KEY QUOTATIONS

“that it is highly probable that the person who signed the Mashelia Gibson signatures on the ‘K’ documents was not the author of the Mashelia Gibson signature on the questioned document” (ECF No. 193-1 at 3)

“Because Plaintiff has failed to comply with the expert disclosure requirements in Rule 26(a)(2), and because the failure is neither substantially justified nor harmless under Rule 37(c), Defendant’s motion to exclude Ms. Carlson’s de bene esse testimony is granted, and Plaintiff may not offer or refer to that testimony at trial.” (Memorandum Opinion and Order)

FACTUAL BACKGROUND

The plaintiff disclosed a handwriting expert report addressing whether questioned initialed signatures labeled Q1 through Q4 were authored by the person whose known signatures were labeled K1 through K5. During the expert's de bene esse deposition, the expert did not testify about that disclosed opinion and instead offered additional opinions concerning the authorship of other writing and markings on a mileage log, including whether different entries were written by different people. The plaintiff had not disclosed those additional opinions in a supplemental or rebuttal report, and the defendant's expert therefore could not review or effectively respond to them.

PROCEDURAL HISTORY

The defendant moved to exclude the de bene esse deposition testimony of the plaintiff's handwriting expert, arguing that the testimony addressed opinions not disclosed in the expert's report and that the plaintiff had not served a supplemental or rebuttal report. After a hearing on April 6, 2026, the court granted the motion and excluded the deposition testimony. The court did not reach the defendant's alternative challenge to the expert's methodology or factual basis, and the plaintiff subsequently notified the court that she did not intend to call the expert at trial.

DISPOSITION

other

CASES CITED

- Osunde v. Lewis, 281 F.R.D. 250, 257 (D. Md. 2012)

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