

APPELLATE COURT OF MARYLAND

Ashley Moore v. CVS Pharmacy, Inc., et al.

Moore v. CVS Pharmacy, No. 371, Sept. Term, 2025 (Md. App. May 29, 2026) · No. No. 371, September Term, 2025 · Decided May 29, 2026

SUMMARY

The Appellate Court of Maryland held that genuine disputes of material fact precluded summary judgment in a premises-liability action arising after a vehicle crashed through a CVS pharmacy entrance and injured a customer. The court concluded that foreseeability of vehicle-related harm and the store operator’s notice could be determined by a factfinder based on the parking-lot layout, expert testimony, and evidence of similar incidents at other CVS locations. The court also held that conflicting evidence regarding the parent corporation’s operational and managerial role created a factual dispute, reversed the summary judgment rulings, and remanded for further proceedings.

CASE DETAILS

COURT	Appellate Court of Maryland
WRITING FOR THE COURT	Arthur, J.; Shaw, J.; Meredith, J.; Timothy E. Meredith, Senior Judge, specially assigned
JURISDICTION	Maryland
DECIDED	May 29, 2026
DOCKET	No. 371, September Term, 2025
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the Circuit Court for Wicomico County's grant of summary judgment to CVS Pharmacy, Inc. and Maryland CVS Pharmacy, LLC in a premises-liability and negligence action.
STANDARD OF REVIEW	Summary judgment is reviewed without deference. The appellate court applies the same analysis as the trial court, considering the record in the light most favorable to the nonmoving party and construing reasonable inferences against the moving party. Summary judgment is proper only when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Ashley Moore v. CVS Pharmacy, Inc., Maryland CVS Pharmacy, LLC

TOPICS

premises liability

negligence

summary judgment

standard of review

appellate procedure

PRACTICE AREAS

torts

premises liability

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QUESTIONS PRESENTED

1. Whether Maryland CVS was entitled to summary judgment because there was no evidence that it knew or should have known that the parking-space and entrance configuration presented an unreasonable risk of harm to invitees.
2. Whether the absence of prior similar crashes at the Salisbury store or nearby stores compelled summary judgment on foreseeability and notice.
3. Whether CVS Pharmacy was entitled to summary judgment because it did not own, operate, manage, or control the Salisbury store.
4. Whether the evidence concerning the agency agreement and CVS Pharmacy's management and maintenance functions created a genuine dispute of material fact.
5. Whether Moore's theory that CVS Pharmacy operated or managed the store as Maryland CVS's agent was barred by pleading or statute-of-limitations principles.

HOLDINGS

1. Maryland CVS was not entitled to summary judgment because the evidence could support a finding that the parking-space and entrance arrangement was an unsafe condition, that the general class of harm was reasonably foreseeable, and that the condition could reasonably have been prevented or guarded against.
2. The absence of prior vehicle crashes at the same store or at certain nearby stores did not entitle Maryland CVS to summary judgment.
3. CVS Pharmacy was not entitled to summary judgment because the evidence, viewed favorably to Moore, created a genuine dispute about whether CVS Pharmacy operated, managed, or controlled the Salisbury store.
4. Moore could pursue the theory that CVS Pharmacy operated and managed the store as Maryland CVS's agent; the theory did not introduce a new cause of action or become time-barred.

KEY QUOTATIONS

“where there is evidence to establish, or fairly to support the inference, that the injury arose at least in part from an unsafe condition in the storekeeper’s property, and that, as to the storekeeper, the class of harm that occurred was reasonably foreseeable and could reasonably have been prevented or guarded against, the issues of proximate cause and foreseeability are for the trier of fact to determine” (27)

“The central inquiry is whether the evidence supports an inference that the injury “arose at least in part from an unsafe condition” at the store and that “the class of harm that occurred was reasonably foreseeable” to

the store proprietor and “could reasonably have been prevented or guarded against” by the proprietor.” (32)

“The actual extent of CVS Pharmacy’s control over the store is a triable issue of fact.” (50-51)

FACTUAL BACKGROUND

Ashley Moore was injured inside a Salisbury, Maryland, CVS pharmacy when another customer failed to stop an SUV in a parking space, drove over a wheel stop, crossed the pedestrian walkway, and crashed through the store's glass entrance. Expert testimony indicated that parking spaces near the entrance were directed toward a high-use pedestrian area and lacked bollards or other vehicle-stopping barriers, while wheel stops were not designed to stop moving vehicles. The evidence also showed that CVS Pharmacy performed management functions for Maryland CVS under an agency agreement, and a CVS Pharmacy employee testified that CVS Pharmacy operated and managed stores and handled repair and maintenance functions.

PROCEDURAL HISTORY

Moore sued the driver of the vehicle and several CVS-related entities after a vehicle crashed through the entrance of a CVS pharmacy and injured her. The Circuit Court for Baltimore City transferred the action to Wicomico County. The circuit court granted summary judgment to CVS Pharmacy and Maryland CVS, denied reconsideration, and later directed entry of final judgment under Maryland Rule 2-602(b). An earlier appeal was dismissed as premature because claims against the driver and cross-claims remained pending; after remand and entry of final judgment, Moore filed this timely appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must conduct further proceedings consistent with the opinion. Moore is entitled to conduct discovery concerning the agency agreement between CVS Pharmacy and Maryland CVS and the nature and extent of CVS Pharmacy's operation, management, or control over the Salisbury store. If Moore offers evidence about prior incidents at CVS stores, the circuit court must rule on objections under the rules of evidence.

CASES CITED

- Jabbi v. Adventist Healthcare, Inc., 264 Md. App. 659, 667-68 (2025)
- Oglesby v. Baltimore School Assocs., 484 Md. 296, 327 (2023)
- Irwin Indus. Tool Co. v. Pifer, 478 Md. 645, 682 (2022)
- State v. Rovin, 472 Md. 317, 373 (2021)
- District of Columbia v. Singleton, 425 Md. 398, 406-07 (2012)
- RDC Melanie Drive, LLC v. Eppard, 474 Md. 547, 564 (2021)
- Ashton v. Brown, 399 Md. 70, 79 (1995)
- Steamfitters Local Union No. 602 v. Erie Ins. Exch., 469 Md. 704, 727 (2020)

- Rowhouses, Inc. v. Smith, 446 Md. 611, 631 (2016)
- Macias v. Summit Mgmt., Inc., 243 Md. App. 294, 316, 336 (2019)
- Davis v. Regency Lane, LLC, 249 Md. App. 187, 207 (2021)
- Richardson v. Nwadiuko, 184 Md. App. 481, 489 (2009)
- Maans v. Giant of Maryland, L.L.C., 161 Md. App. 620, 627-28 (2005)
- Giant Food, Inc. v. Mitchell, 334 Md. 633, 636-37 (1994)
- Eyerly v. Baker, 168 Md. 599, 607 (1935)
- Ford v. Edmondson Vill. Shopping Ctr. Holdings, LLC, 251 Md. App. 335, 349-50 (2021)
- Lexington Market Auth. v. Zappala, 233 Md. 444, 446 (1964)
- Deering Woods Condo. Ass'n v. Spoon, 377 Md. 250, 264 (2003)
- Keene v. Arlan's Dep't Store of Baltimore, Inc., 35 Md. App. 250, 256 (1977)
- Tennant v. Shoppers Food Warehouse Md. Corp., 115 Md. App. 381, 394 (1997)
- Joseph v. Bozzuto Mgmt. Co., 173 Md. App. 305, 347 (2007)
- Rehn v. Westfield America, 153 Md. App. 586, 593, 598 (2003)
- Dalmo Sales of Wheaton, Inc. v. Steinberg, 43 Md. App. 659 (1979)
- Barker v. Wah Low, 97 Cal. Rptr. 85, 92 (Dist. Ct. App. 1971)
- Levitas v. Christian, 454 Md. 233, 246 (2017)
- Adventist Healthcare, Inc. v. Behram, 488 Md. 410, 431-32 (2024)
- Gambrill v. Bd. of Educ. of Dorchester County, 481 Md. 274, 297 (2022)
- Hill v. Cross Country Settlements, LLC, 402 Md. 281, 306-08 (2007)
- Dixon v. Process Corp., 38 Md. App. 644, 647, 654-55 (1978)
- Bart Arconti & Sons, Inc. v. Ames-Ennis, Inc., 275 Md. 295, 312 (1975)
- Johns Hopkins Hosp. v. Pepper, 346 Md. 679, 698 (1997)
- B & P Enters. v. Overland Equip. Co., 133 Md. App. 583, 621 (2000)
- Fletcher v. Havre de Grace Fireworks Co., 229 Md. 196, 200 (1962)
- Youmans v. Douron, Inc., 211 Md. App. 274, 291 (2013)
- Crowe v. Houseworth, 272 Md. 481, 485-86 (1974)
- Asphalt & Concrete Services, Inc. v. Perry, 221 Md. App. 235, 268-70 (2015)
- Barclay v. Briscoe, 427 Md. 270, 278 n.6 (2012)
- Zilichickhis v. Montgomery County, 223 Md. App. 158, 174 (2015)