

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Stern v. Western Express, Inc. et al.

Stern · No. 1:25-cv-03545-JRR · Decided March 11, 2026

SUMMARY

The court denied without prejudice the plaintiff’s request to compel discovery in a motor-vehicle tort action involving negligent hiring, retention, and entrustment claims. Applying Maryland law, the court concluded that those derivative negligence claims were not presently relevant because the employer admitted the driver acted within the scope of employment and no underlying negligence claim was operative. The court stayed discovery pending resolution of the plaintiff’s motion for leave to amend the complaint, which sought to add negligence and punitive-damages claims.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	J. Mark Coulson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	March 11, 2026
DOCKET	1:25-cv-03545-JRR
DISPOSITION	other
PROCEDURAL POSTURE	Discovery dispute concerning interrogatories and requests for production; plaintiff sought an order compelling production and defendant objected and intended to seek a protective order.
STANDARD OF REVIEW	Discovery relevance and proportionality under the Federal Rules of Civil Procedure; the court also considered the effect of the pending motion for leave to amend.
PRECEDENTIAL VALUE	Unknown; letter order and opinion from a federal district court

TOPICS

- discovery dispute
- civil procedure
- motion for judgment on the pleadings
- negligence
- punitive damages

PRACTICE AREAS

- civil procedure
- discovery
- motor vehicle torts
- negligence
- punitive damages

QUESTIONS PRESENTED

1. Whether discovery concerning Defendant's hiring, retention, supervision, training, and entrustment was relevant and proportional under the operative complaint after Defendant admitted that the driver acted within the scope of employment.
2. Whether discovery should be stayed pending resolution of Plaintiff's motion for leave to amend the complaint to add a negligence claim and a punitive-damages claim.
3. Whether the pending motion for judgment on the pleadings independently required discovery to be precluded.

HOLDINGS

1. Where an employer admits that its employee was acting within the scope of employment, a plaintiff may not maintain derivative negligence claims against the employer absent an underlying tort, and discovery directed solely to negligent hiring, retention, supervision, training, or entrustment was not relevant under the operative complaint.
2. Discovery that is presently irrelevant may become relevant if the court grants leave to amend to add a viable punitive-damages claim, because such a claim may create an exception to the rule against derivative negligence claims after an employer admits agency.
3. The existence of a pending dispositive motion does not, by itself, preclude discovery absent special circumstances.

KEY QUOTATIONS

“For the foregoing reasons, the requested relief is DENIED without prejudice, and discovery is hereby STAYED pending Judge Rubin’s ruling on the pending motion for leave to amend.”

FACTUAL BACKGROUND

Plaintiff alleges that on May 12, 2023, Defendant's tractor-trailer, operated by Darnell Williams, left its lane and collided with Plaintiff on Interstate 695, causing injuries. Plaintiff seeks compensatory damages. Defendant stipulated that Williams was its employee or agent acting within the scope of employment, and the negligence claim against Williams was dismissed after his death. The remaining operative claims were negligent hiring and retention and negligent entrustment, while Plaintiff sought leave to add negligence and punitive-damages claims.

PROCEDURAL HISTORY

Plaintiff filed state-law motor-tort claims in state court, and Defendant removed the action to the United States District Court for the District of Maryland. The negligence claim against the driver was dismissed after the driver's death, leaving negligent hiring and retention and negligent entrustment claims. Defendant moved to dismiss or for partial summary judgment, later filed a motion for judgment on the pleadings, and Plaintiff moved for leave to amend to reassert negligence and add punitive damages; both motions were pending before Judge Rubin. The discovery dispute was referred to Magistrate Judge Coulson, who denied Plaintiff's request without prejudice and stayed discovery pending resolution of the motion for leave to amend.

DISPOSITION

other

CASES CITED

- Houlihan v. McCall, 197 Md. 130, 137-38 (1951)
- Orta v. Creekstone Landscaping & Excavating, LLC, No. 1:23-cv-01954-EA, 2024 WL 3555093, at *6 (D. Md. July 25, 2024)
- Sneed v. SW Trucking, LLC, Civil Action No. ADC-19-626, 2020 WL 1812866, at *5 (D. Md. Apr. 9, 2020)
- Villalta v. B.K. Trucking & Warehousing, LLC, Civil Action No. DKC 2007-1184, 2008 WL 11366412, at *5-6 (D. Md. Aug. 4, 2008)
- Day v. Stevens, Civil Case No. 17-02638-JMC, 2018 WL 2064735, at *5 (D. Md. May 3, 2018)
- Poplin v. Bestway Express, 286 F. Supp. 2d 1316, 1319 (M.D. Ala. 2003)
- Bryant v. Better Business Bureau of Greater Maryland, Inc., 923 F. Supp. 720, 751 (D. Md. 1996)
- Brown v. Kahl, Civil Case No. 18-00352-JMC, 2018 WL 4108030, at *3 n.1 (D. Md. Aug. 29, 2018)
- Sneed v. SW Trucking, LLC, Civil Action No. ADC-19-626, 2020 WL 1812866, at *2 (D. Md. Apr. 9, 2020)

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