

Article - Courts and Judicial Proceedings

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§3-2A-08A.

(a) In this section, “costs” means the costs described under Maryland Rule 2-603.

(b) This section does not apply to cases dismissed following a settlement.

(c) (1) At any time not less than 45 days before the trial begins, a party to an action for a medical injury may serve on the adverse party an offer of judgment to be taken for the amount of money specified in the offer, with costs then accrued.

(2) When the liability of one party to another has been determined by verdict or order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, a party adjudged liable or a party in whose favor liability was determined may make an offer of judgment not less than 45 days before the commencement of hearings to determine the amount or extent of liability.

(d) (1) If within 15 days after the service of the offer of judgment, the adverse party serves written notice that the offer is accepted, either party may then file with the court the offer and notice of acceptance together with an affidavit of service notifying the other parties of the filing of the offer and acceptance.

(2) If the court receives the filings specified in paragraph (1) of this subsection, the court shall enter judgment.

(e) (1) If an adverse party does not accept an offer of judgment within the time specified in subsection (d)(1) of this section, the offer shall be deemed withdrawn and evidence of the offer is not admissible except in a proceeding to determine costs.

(2) An offer of judgment that is not accepted does not preclude a party from making a subsequent offer of judgment in the time specified in this section.

(f) If the judgment finally obtained is not more favorable to the adverse party than the offer, the adverse party who received the offer shall pay the costs of the party making the offer incurred after the making of the offer.

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