

(PRE-FILED)

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By: **Delegate Smigiel**  
 Requested: November 14, 2005  
 Introduced and read first time: January 11, 2006  
 Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Pleading Monetary Damages**

3 FOR the purpose of providing that a party may elect whether to specify in certain  
 4 claims the amount of monetary damages in controversy; requiring a party who  
 5 elects not to specify in a claim the amount of monetary damages in controversy  
 6 to allege certain matters concerning monetary damages under certain  
 7 circumstances; prohibiting a party from amending certain allegations  
 8 concerning monetary damages under certain circumstances; providing for the  
 9 application of this Act; and generally relating to pleading monetary damages in  
 10 civil claims.

11 BY adding to  
 12 Article - Courts and Judicial Proceedings  
 13 Section 6-411  
 14 Annotated Code of Maryland  
 15 (2002 Replacement Volume and 2005 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Courts and Judicial Proceedings**

19 6-411.

20 (A) THIS SECTION APPLIES TO A CLAIM FOR MONETARY DAMAGES IN A CIVIL  
 21 COMPLAINT, COUNTERCLAIM, CROSS-CLAIM, OR THIRD-PARTY COMPLAINT UNDER  
 22 THE MARYLAND RULES THAT IS FILED IN A CIRCUIT COURT OR THE DISTRICT COURT.

23 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PARTY MAY ELECT  
 24 WHETHER TO SPECIFY IN A CLAIM THE AMOUNT OF MONETARY DAMAGES IN  
 25 CONTROVERSY.

1 (C) IF A PARTY ELECTS NOT TO SPECIFY IN A CLAIM THE AMOUNT OF  
2 MONETARY DAMAGES IN CONTROVERSY, THE PARTY SHALL ALLEGE GENERALLY  
3 WHETHER THE MONETARY DAMAGES SOUGHT ARE:

4 (1) WITHIN THE LIMITS OF THE EXCLUSIVE ORIGINAL CIVIL  
5 JURISDICTION OF THE COURT IN WHICH THE CLAIM IS FILED;

6 (2) WITHIN THE LIMITS OF THE CONCURRENT CIVIL JURISDICTION OF A  
7 CIRCUIT COURT AND THE DISTRICT COURT;

8 (3) WITHIN THE LIMITS OF THE DIVERSITY JURISDICTION OF THE U.S.  
9 DISTRICT COURT, IF THE SUIT IS FILED IN A CIRCUIT COURT;

10 (4) AN AMOUNT THAT MAY ENTITLE A PARTY TO DEMAND A JURY TRIAL;  
11 AND

12 (5) IN EXCESS OF THE LIMITS OF ANY APPLICABLE INSURANCE,  
13 INDEMNIFICATION, OR ANY OTHER FORM OF REIMBURSEMENT OR COVERAGE  
14 KNOWN TO THE PARTY FOR EACH OTHER PARTY FROM WHOM THE MONETARY  
15 DAMAGES ARE SOUGHT.

16 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
17 PARTY MAY AMEND THE AD DAMNUM CLAUSE AND ANY OF THE ALLEGATIONS  
18 DESCRIBED IN SUBSECTION (C) OF THIS SECTION IN THE PARTY'S CLAIM AT ANY  
19 TIME IN ACCORDANCE WITH THE MARYLAND RULES.

20 (2) A PARTY MAY NOT AMEND THE AD DAMNUM CLAUSE OR ANY OF THE  
21 ALLEGATIONS DESCRIBED IN SUBSECTION (C) OF THIS SECTION WITHIN 60 DAYS  
22 BEFORE A SCHEDULED TRIAL DATE EXCEPT FOR GOOD CAUSE SHOWN.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
24 construed to apply only prospectively and may not be applied or interpreted to have  
25 any effect on or application to any case filed before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2006.