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By: **Delegates Conway, Anderson, Bohanan, Cluster, DeBoy, Gaines, Kelly,  
Levy, McComas, Miller, Niemann, O'Donnell, Paige, and Wood**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Supersedeas Bonds - Limitation on Amount and Expedited Appeal**

3 FOR the purpose of limiting the amount of a supersedeas bond required to stay the  
4 execution of the compensatory damages portion of a judgment in certain actions  
5 under certain circumstances; providing for a certain exception; providing for a  
6 certain expedited appeal in certain actions if the supersedeas bond exceeds a  
7 certain amount; providing for the application of this Act; and generally relating  
8 to supersedeas bonds and appeals.

9 BY adding to

10 Article - Courts and Judicial Proceedings

11 Section 12-301.1

12 Annotated Code of Maryland

13 (2002 Replacement Volume and 2005 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 12-301.1.

18 (A) (1) NOTWITHSTANDING ANY OTHER LAW OR COURT RULE AND EXCEPT  
19 AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN AN APPEAL FROM A  
20 JUDGMENT ENTERED IN FAVOR OF THE PLAINTIFFS IN AN ACTION CERTIFIED AS A  
21 CLASS ACTION OR IN AN ACTION BY MULTIPLE PLAINTIFFS IN WHICH DAMAGES ARE  
22 NOT PROVED FOR EACH PLAINTIFF INDIVIDUALLY, THE AMOUNT OF THE  
23 SUPERSEDEAS BOND REQUIRED COLLECTIVELY OF ALL APPELLANTS TO STAY  
24 ENFORCEMENT OF THE COMPENSATORY DAMAGES PORTION OF A JUDGMENT MAY  
25 NOT EXCEED \$75,000,000, REGARDLESS OF THE AMOUNT OF THE JUDGMENT.

26 (2) IF AN APPELLEE PROVES BY A PREPONDERANCE OF THE EVIDENCE  
27 THAT AN APPELLANT IS DISSIPATING ASSETS OUTSIDE THE ORDINARY COURSE OF  
28 BUSINESS TO AVOID THE PAYMENT OF A JUDGMENT, THE COURT MAY REQUIRE THE

1 APPELLANT TO POST A BOND IN AN AMOUNT UP TO THE FULL AMOUNT OF THE  
2 JUDGMENT.

3 (B) (1) THIS SUBSECTION APPLIES TO AN ACTION OTHER THAN AN ACTION  
4 DESCRIBED IN PARAGRAPH (A)(1) OF THIS SECTION.

5 (2) IF THE AMOUNT OF THE SUPERSEDEAS BOND REQUIRED OF AN  
6 APPELLANT TO STAY THE EXECUTION OF A JUDGMENT PENDING APPEAL EXCEEDS  
7 \$75,000,000, THE COURT OF SPECIAL APPEALS SHALL DECIDE, AFTER PROVIDING THE  
8 FULLEST OPPORTUNITIES FOR BRIEFING AND ORAL ARGUMENT ALLOWED UNDER  
9 THE MARYLAND RULES, THE APPELLANT'S APPEAL ON THE MERITS WITHIN 6  
10 MONTHS OF THE DATE ON WHICH THE NOTICE OF APPEAL WAS FILED AND SERVED.

11 (3) THE LIMITATIONS ON BRIEFING AND ORAL ARGUMENT UNDER  
12 MARYLAND RULE 8-207 DO NOT APPLY TO AN EXPEDITED APPEAL UNDER THIS  
13 SUBSECTION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
15 civil actions pending on or filed on or after the effective date of this Act.

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