HOUSE BILL 807

D3   7lr1981

By: **Delegates Conway, Barkley, Branch, DeBoy, Gaines, Kelly, Levy, McComas, and Wood**
Introduced and read first time: February 9, 2007
Assigned to: Judiciary

A BILL ENTITLED

1   AN ACT concerning

2   Judgments – Appeals – Supersedeas Bond

3   FOR the purpose of limiting the amount of a supersedeas bond required to stay the
4   enforcement of a judgment in certain actions under certain circumstances;
5   providing for a certain exception; providing for the application of this Act; and
6   generally relating to supersedeas bonds.

7   BY adding to
8   Article – Courts and Judicial Proceedings
9   Section 12–301.1
10   Annotated Code of Maryland
11   (2006 Replacement Volume)

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

14   Article – Courts and Judicial Proceedings

15 **12–301.1.**

16   (A)   **NOTWITHSTANDING ANY OTHER LAW OR COURT RULE AND EXCEPT**
17 **AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN AN APPEAL FROM A**
18 **JUDGMENT ENTERED IN FAVOR OF THE PLAINTIFFS IN AN ACTION CERTIFIED AS**
19 **A CLASS ACTION OR IN AN ACTION BY MULTIPLE PLAINTIFFS IN WHICH**
20 **DAMAGES ARE NOT PROVED FOR EACH PLAINTIFF INDIVIDUALLY, THE AMOUNT**

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
       [Brackets] indicate matter deleted from existing law.

OF THE SUPERSEDEAS BOND REQUIRED COLLECTIVELY OF ALL APPELLANTS TO STAY ENFORCEMENT OF A JUDGMENT MAY NOT EXCEED $100,000,000, REGARDLESS OF THE AMOUNT OF THE JUDGMENT.

(B)   IF AN APPELLEE PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT AN APPELLANT IS DISSIPATING ASSETS OUTSIDE THE ORDINARY COURSE OF BUSINESS TO AVOID THE PAYMENT OF A JUDGMENT, THE COURT MAY REQUIRE THE APPELLANT TO POST A BOND IN AN AMOUNT UP TO THE FULL AMOUNT OF THE JUDGMENT.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.