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Senator William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
Maryland General Assembly
2 E. Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Favorable Report on Senate Bill 584

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee:

I am writing today in support of Senate Bill 584, which will eliminate the cap on non-economic damages set forth in Courts and Judicial Proceedings Article §11-108.

As I am sure that you and the committee know, Maryland is in the small minority of states that have a cap on non-economic damages that is similar to §11-108. The Maryland cap denies Maryland citizens the right to receive fair compensation for injuries that were caused by another person or company. The cap is arbitrary and deprives Maryland citizens of their constitutional right to a jury trial. It places a limitation on damages that has no relationship to the type of case that was brought or injuries that were incurred. It usurps the jury's function to listen to the evidence and, if it sees fit, award fair and adequate damages.

None of Maryland's surrounding states have a similar damage cap and there has been no evidence that the absence of a cap has adversely affected their economies. Additionally, because the damage cap limits an individual's or company's liability exposure, there is little incentive for wrongdoers to improve the safety of their actions or products. It may be less expensive for companies to pay settlements or judgments that are limited due to the cap than to improve their conduct or a product's safety. Therefore, the cap provides an unjust benefit that is against public policy.

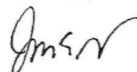
The cap on non-economic damages, in many cases, benefits out-of-state individuals or corporations to the detriment of Maryland citizens. An example is a vehicle being operated by an out-of-state driver that is at fault in an accident with a Maryland citizen. The Maryland citizen's damages are limited by the damage cap. Thus, the non-Maryland citizen is protected by the cap whereas the Maryland citizen is harmed by it. This is unjust.

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There is no justification for the §11-108 damage cap in this State. The abrogation of the cap will benefit Maryland citizens and will not harm any business interests. I fully support Senate Bill 584 and encourage the Senate Judicial Proceedings Committee to issue a **favorable report**.

Very truly yours,

A handwritten signature in black ink, appearing to read "J.E. Goldberg", written over a horizontal line.

Jonathan E. Goldberg

JEG/kc