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February 17, 2025

VIA ELECTRONIC SUBMISSION

Delegate Luke H. Clippinger, Esq.
Taylor House Office Building, Room 101
6 Bladen Street
Annapolis, Maryland 21401

Re: Adoption of House Bill 113

Dear Chairman Clippinger and Members of the House Judiciary Committee:

Thank you for allowing me the opportunity to express my support of House Bill 113 and ask for a favorable report. I am a resident of Anne Arundel County and have been a practicing attorney for over seventeen years. I began my legal career working for Peter Angelos, where I had the privilege of representing victims of various types of negligence, including personal injury, groundwater contamination, asbestos exposure and products liability. I was fortunate enough to spend over a decade working closely with Mr. Angelos and he instilled a passion in me to stand up for the "little guy."

In thinking about why this Bill is so important, I was reminded of my first case as a lead trial attorney. The case involved a man in his early thirties, Adam Rutkowski, who had moved into an upscale home in Calvert County, Maryland with his wife and their two young children. They were the second owners of the home that had been constructed several years earlier. The home had sliding glass doors in the kitchen on the main level, but because no deck had been constructed, there was a wooden railing/barrier attached to the home from the outside. Because of the landscape of lot and the design of the home, there was a drop of approximately twelve feet to the concrete pavers below. One morning while cleaning the home in preparation for a visit from Mr. Rutkowski's in-laws, he opened the sliding glass doors and gently leaned on the railing to shake off a small rug that had been in front of the kitchen sink. Unexpectedly, the railing detached from the home, causing Mr. Rutkowski to fall twelve feet to the concrete below and suffer serious injuries to his arms, upper body, ribs and head. Mr. Rutkowski was airlifted to a nearby hospital and suffered a seizure while

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in the helicopter. Fortunately for Mr. Rutkowski and his family, he was discharged from the hospital several weeks later, his broken bones healed and he was able to return to work a few months later. Unfortunately, he continued to suffer cognitive issues from his mild traumatic brain injury caused by the fall. Mr. Rutkowski did his best to continue working and there was never any claim made for lost wages or lost earning capacity. However, Mr. Rutkowski incurred significant past medical bills, would require some additional treatments and medication in the future, and suffered “non-economic” damages for the trauma he endured and would endure for the rest of his life.

It was later discovered that the railing had been attached to the outside of the home with very thin “finishing nails,” and that the contractor forgot to use screws or lag bolts to properly attach the railing to the home. Because of the non-economic damages cap, \$740,000 at the time, there was very little interest in settlement discussions on the part of the Defendants (which included the builder and the contractor) and the case was ultimately heard by a Calvert County jury for a week. The jury ultimately found that Mr. Rutkowski was not negligent and that the Defendant was negligent, and awarded a total verdict of \$1,306,700, which included past medical charges of \$80,700, future medical charges of \$126,000, and non-economic damage awards of \$900,000 to Mr. Rutkowski and \$200,000 to Mrs. Rutkowski for her loss of consortium claim. After the jurors were dismissed and thanked for their service, the Defendant filed several motions, one of which was to reduce the non-economic damages to the “cap,” and Mr. Rutkowski’s non-economic damages award was reduced to \$600,000, and Mrs. Rutkowski’s non-economic damages award was reduced to \$140,000. The Defendant also filed a motion for remittur asking the trial judge to reduce the non-economic damages award, arguing that it was excessive. This motion was denied. The six citizens of Calvert County, who spent a week listening to all of the evidence and awarding what they all agreed was just compensation, were never told that their verdict was reduced due to the laws in place.

The case was later appealed to the then Court of Special Appeals, and the reduced award was ultimately upheld in a reported opinion, *Marrick Homes LLC v. Rutkowski*, 161 A. 3d 53 (Md. 2017). I believe that this case is important for the committee to consider for several reasons. The first is that the cap on non-economic damages leads to less settlements and puts more strain on our court systems. The second is to show that the elimination of this arbitrary cap on damages would allow victims and jurors to properly exercise their Constitutional rights. The third is that if the arbitrary cap were removed, our elected judges who preside over these jury trials still have a right to reduce any award s that her or she deems excessive. The vast majority of personal injury cases are not catastrophic cases that would lead to very large unanimous jury awards.

Thank you for taking the time to read the Rutkowskis’ story; I strongly urge you to pass House Bill 113.

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Very truly yours,

A handwritten signature in dark ink, appearing to read 'C. Wright', with a stylized flourish at the end.

Christopher D. Wright