

3-2A06. JUDICIAL REVIEW.

(A) A PARTY MAY REJECT AN AWARD FOR ANY REASON. A NOTICE OF REJECTION MUST BE FILED WITH THE ARBITRATION PANEL AND SERVED ON THE OTHER PARTIES OR THEIR COUNSEL WITHIN ~~[[30]]~~ 90 DAYS AFTER THE AWARD IS SERVED UPON THE REJECTING PARTY, OR, IF A TIMELY APPLICATION FOR MODIFICATION OR CORRECTION HAS BEEN FILED WITHIN 30 DAYS AFTER A DISPOSITION OF THE APPLICATION BY THE PANEL.

(B) ~~[[WITHIN 30 DAYS AFTER TIMELY]]~~ AT OR BEFORE THE TIME SPECIFIED IN SUBSECTION (A) FOR FILING AND SERVING A NOTICE OF REJECTION, THE PARTY REJECTING THE AWARD ~~[[MAY]]~~ SHALL FILE AN ACTION IN COURT TO NULLIFY THE AWARD. FAILURE TO FILE THIS ACTION TIMELY SHALL CONSTITUTE A WITHDRAWAL OF THE NOTICE OF REJECTION. SUBJECT TO THE PROVISIONS OF SUBSECTION (C), THE PROCEDURES APPLICABLE TO THE ACTION INCLUDING THE FORM AND NECESSARY ALLEGATIONS IN THE INITIAL PLEADING, SHALL BE GOVERNED BY THE MARYLAND RULES. IF ANY PARTY TO THE PROCEEDING ELECTS TO HAVE THE CASE TRIED BY A JURY IN ACCORDANCE WITH THE MARYLAND RULES, IT SHALL BE TRIED BY A JURY. OTHERWISE, THE CASE SHALL BE TRIED BY A JUDGE.

(C) AN ALLEGATION THAT AN AWARD IS IMPROPER BECAUSE OF ANY GROUND STATED IN §3-223(B) OR §3-224(B) (1), (2), (3), OR (4) OF THIS ARTICLE SHALL BE MADE BY PRELIMINARY MOTION, AND SHALL BE DETERMINED BY THE COURT WITHOUT A JURY PRIOR TO TRIAL. FAILURE TO RAISE SUCH A DEFENSE BY PRE-TRIAL PRELIMINARY MOTION SHALL CONSTITUTE A WAIVER OF IT. IF THE COURT FINDS THAT A CONDITION STATED IN §3-223(B) EXISTS, IT SHALL MODIFY OR CORRECT THE AWARD. IF THE REJECTING PARTY STILL DESIRES TO PROCEED WITH JUDICIAL REVIEW, THE MODIFIED OR CORRECTED AWARD SHALL BE SUBSTITUTED FOR THE ORIGINAL AWARD. IF THE COURT FINDS THAT A CONDITION STATED IN §3-224(B) (1), (2), (3), OR (4) EXISTS, IT SHALL VACATE THE AWARD, AND TRIAL OF THE CASE SHALL PROCEED AS IF THERE HAD BEEN NO AWARD.

(D) UNLESS VACATED BY THE COURT PURSUANT TO SUBSECTION (C), THE ARBITRATION AWARD IS ADMISSIBLE AS EVIDENCE IN THE JUDICIAL PROCEEDING. THE AWARD SHALL BE PRESUMED TO BE CORRECT, AND THE BURDEN IS ON THE PARTY REJECTING IT TO PROVE THAT IT IS NOT CORRECT.

(E) IF THE VERDICT OF THE TRIER OF FACT IS NOT MORE FAVORABLE TO THE PARTY THAT REJECTED THE ARBITRATION PANEL'S AWARD, THAN WAS THE AWARD, THE COSTS OF THE JUDICIAL PROCEEDINGS SHALL BE ASSESSED AGAINST THE REJECTING PARTY. OTHERWISE, THE COURT MAY DETERMINE THE ASSESSMENT OF SUCH COSTS.

(F) VENUE SHALL BE DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6-201 OF THIS ARTICLE.

3-2A07. COUNSEL FEES.