

(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) OR § 3-2A-05(H) 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 pretrial preliminary motion shall constitute a waiver of it. If the court finds that a condition stated in § 3-223(b) exists, OR THAT THE AWARD WAS NOT APPROPRIATELY MODIFIED IN ACCORDANCE WITH § 3-2A-05(H) OF THIS SUBTITLE, 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 UNMODIFIED 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) (1) Depositions taken in the arbitration proceedings shall be as fully admissible as if noticed in court proceedings. Interrogatories and requests for admissions and production of documents in the arbitration proceedings remain binding in the court proceedings, subject to a duty of supplementation.

(2) The provisions of paragraph (1) of this subsection do not affect any rights to discovery on appeal.

(F) UPON TIMELY REQUEST, THE TRIER OF FACT SHALL BY SPECIAL VERDICT OR SPECIFIC FINDINGS ITEMIZE BY CATEGORY AND AMOUNT ANY DAMAGES ASSESSED FOR INCURRED MEDICAL EXPENSES, REHABILITATION COSTS, AND LOSS OF EARNINGS. DAMAGES ASSESSED FOR ANY FUTURE EXPENSES, COSTS, AND LOSSES SHALL BE ITEMIZED SEPARATELY. IF THE VERDICT OR FINDINGS INCLUDE ANY AMOUNT FOR SUCH EXPENSES, COSTS, AND LOSSES, A PARTY FILING A MOTION FOR A NEW TRIAL MAY OBJECT TO THE DAMAGES AS EXCESSIVE ON THE GROUND THAT THE CLAIMANT HAS BEEN OR WILL BE PAID, REIMBURSED, OR INDEMNIFIED TO THE EXTENT AND SUBJECT TO THE LIMITS STATED IN § 3-2A-05(H) OF THIS SUBTITLE. THE COURT SHALL HOLD A HEARING AND RECEIVE EVIDENCE ON THE OBJECTION. IF THE COURT FINDS FROM THE EVIDENCE THAT THE DAMAGES ARE EXCESSIVE ON THE GROUNDS STATED IN § 3-2A-05(H) OF THIS SUBTITLE, SUBJECT TO THE LIMITS AND CONDITIONS STATED IN § 3-2A-05(H) OF THIS SUBTITLE, IT MAY GRANT A NEW TRIAL AS TO SUCH DAMAGES OR MAY DENY A NEW TRIAL IF THE CLAIMANT AGREES TO A REMITTITUR OF THE EXCESS AND THE ORDER REQUIRED ADEQUATE SECURITY WHEN WARRANTED BY THE CONDITIONS STATED IN § 3-2A-05(H) OF THIS SUBTITLE. IN THE EVENT OF A NEW TRIAL GRANTED UNDER THIS SUBSECTION, EVIDENCE ADMITTED CONSIDERED BY THE COURT IN RULING ~~ON--THE--OBJECTION~~ GRANTING THE REMITTITUR SHALL BE ADMISSIBLE IF OFFERED AT THE NEW TRIAL AND THE JURY SHALL BE INSTRUCTED TO CONSIDER SUCH EVIDENCE IN REACHING ITS VERDICT AS TO DAMAGES.