

UPON A DETERMINATION OF THOSE DAMAGES AT THE NEW TRIAL, NO FURTHER OBJECTION TO DAMAGES MAY BE MADE EXCLUSIVE OF ANY PARTY'S RIGHT OF APPEAL. EXCEPT AS EXPRESSLY PROVIDED BY FEDERAL LAW, NO PERSON MAY RECOVER FROM THE CLAIMANT OR ASSERT A CLAIM OF SUBROGATION AGAINST A DEFENDANT FOR ANY SUM INCLUDED IN A REMITTITUR OR AWARDED IN A NEW TRIAL ON DAMAGES GRANTED UNDER THIS SUBSECTION. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO OTHERWISE LIMIT THE COMMON LAW GROUNDS FOR REMITTITUR.

[(f)] (G) 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.

[(g)] (H) Venue shall be determined in accordance with the provisions of § 6-201 of this article.

[(h)] (I) The clerk of the court shall file a copy of the verdict or any other final disposition with the Director.

3-2A-06A.

(A) AT ANY TIME BEFORE THE HEARING OF A CLAIM WITH THE HEALTH CLAIMS ARBITRATION OFFICE, THE PARTIES MAY AGREE MUTUALLY TO WAIVE ARBITRATION OF THE CLAIM, AND THE PROVISIONS OF THIS SUBSECTION THEN SHALL GOVERN ALL FURTHER PROCEEDINGS ON THE CLAIM.

(B) (1) THE CLAIMANT SHALL FILE WITH THE DIRECTOR A WRITTEN ELECTION TO WAIVE ARBITRATION WHICH MUST BE SIGNED BY ALL PARTIES OR THEIR ATTORNEYS OF RECORD IN THE ARBITRATION PROCEEDING.

(2) AFTER FILING, THE WRITTEN ELECTION SHALL BE MUTUALLY BINDING UPON ALL PARTIES.

(C) (1) WITHIN 60 DAYS AFTER FILING THE ELECTION TO WAIVE ARBITRATION, THE PLAINTIFF SHALL FILE A COMPLAINT AND A COPY OF THE ELECTION TO WAIVE ARBITRATION WITH THE CIRCUIT COURT OR UNITED STATES DISTRICT COURT.

(2) AFTER FILING THE COMPLAINT, THE PLAINTIFF SHALL SERVE A SUMMONS AND A COPY OF THE COMPLAINT UPON THE ATTORNEY OF RECORD FOR ALL HEALTH-CARE-PROVIDERS PARTIES IN THE HEALTH CLAIMS ARBITRATION PROCEEDING.

(3) FAILURE TO FILE A COMPLAINT WITHIN 60 DAYS OF FILING THE ELECTION TO WAIVE ARBITRATION MAY CONSTITUTE GROUNDS FOR DISMISSAL OF THE COMPLAINT UPON MOTION BY AN ADVERSE PARTY AND UPON A FINDING OF PREJUDICE TO THAT PARTY DUE TO THE DELAY IN THE FILING OF THE COMPLAINT.