

(F) IF THE JUDGMENT FINALLY OBTAINED IS NOT MORE FAVORABLE TO THE ADVERSE PARTY THAN THE OFFER, THE ADVERSE PARTY WHO RECEIVED THE OFFER SHALL PAY THE COSTS OF THE PARTY MAKING THE OFFER INCURRED AFTER THE MAKING OF THE OFFER.

3-2A-09.

~~(A) THIS SECTION APPLIES TO A JUDGMENT UNDER THIS SUBTITLE FOR A CAUSE OF ACTION ARISING ON OR AFTER JANUARY 1, 2005.~~

~~(B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS SUBSECTION PARAGRAPH, A JUDGMENT UNDER THIS SUBTITLE FOR NONECONOMIC DAMAGES FOR A CAUSE OF ACTION ARISING BETWEEN JANUARY 1, 2005, AND DECEMBER 31, 2007, INCLUSIVE, MAY NOT EXCEED \$650,000.~~

~~(II) THE LIMITATION ON NONECONOMIC DAMAGES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCREASE BY \$15,000 ON JANUARY 1 OF EACH YEAR BEGINNING ON JANUARY 1, 2008.~~

~~(III) THE INCREASED AMOUNT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL APPLY TO CAUSES OF ACTION ARISING BETWEEN JANUARY 1 AND DECEMBER 31 OF THAT YEAR, INCLUSIVE.~~

~~(2) THE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY IN THE AGGREGATE TO ALL CLAIMS FOR PERSONAL INJURY AND WRONGFUL DEATH ARISING FROM THE SAME MEDICAL INJURY, REGARDLESS OF THE NUMBER OF CLAIMS, CLAIMANTS, PLAINTIFFS, OR DEFENDANTS.~~

~~(C) (1) IN A JURY TRIAL, THE JURY MAY NOT BE INFORMED OF THE LIMITATION UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(2) IF THE JURY AWARDS AN AMOUNT FOR NONECONOMIC DAMAGES THAT EXCEEDS THE LIMITATION ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, THE COURT SHALL REDUCE THE AMOUNT TO CONFORM TO THE LIMITATION.~~

~~(3) IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE TWO OR MORE CLAIMANTS OR BENEFICIARIES, IF THE JURY AWARDS AN AMOUNT FOR NONECONOMIC DAMAGES THAT EXCEEDS THE LIMITATION UNDER SUBSECTION (B) OF THIS SECTION OR A REDUCTION UNDER PARAGRAPH (4) OF THIS SUBSECTION:~~

~~(I) IF THE AMOUNT OF NONECONOMIC DAMAGES FOR THE PRIMARY CLAIMANTS, AS DESCRIBED UNDER § 3-904(D) OF THIS TITLE, EQUALS OR EXCEEDS THE LIMITATION UNDER SUBSECTION (B) OF THIS SECTION OR A REDUCTION UNDER PARAGRAPH (4) OF THIS SUBSECTION:~~

~~± THE COURT SHALL REDUCE EACH INDIVIDUAL AWARD OF A PRIMARY CLAIMANT PROPORTIONATELY TO THE TOTAL AWARD OF ALL PRIMARY CLAIMANTS SO THAT THE TOTAL AWARD TO ALL CLAIMANTS OR BENEFICIARIES CONFORMS TO THE LIMITATION; AND~~