

SHARON WOULLARD

Plaintiff

vs.

ASPEN PARK HOMEOWNERS  
ASSOCIATION, INC.

Defendant

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* ANNE ARUNDEL COUNTY  
\* Case No. 02-C-03-094557 NG

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**DEFENDANT'S RESPONSE TO PLAINTIFF'S RESPONSE TO DEFENDANT'S  
MOTION FOR REMITTITUR OR, IN THE ALTERNATIVE,  
MOTION FOR NEW TRIAL**

Defendant, Aspen Park Homeowners' Association, Inc. ("Aspen Park"), by its attorney, Matthew P. Woods, hereby responds to Plaintiff's Response to Defendant's Motion for Remittitur or in the Alternative Motion for New Trial and states as follows:

1. Plaintiff's counsel seems to be indicating in her Response to the Defendant's Motion in this matter that although the verdict handed down by the jury in the above captioned matter was favorable to her, it should not be unexpected. In making this determination, Plaintiff's counsel seems to overlook a number of important considerations.

2. Plaintiff's counsel has overlooked the fact that she "only" asked for approximately \$180,000 in total damages from the jury in this matter. Additionally, the \$180,000 requested from the jury was six times more than Counsel had informed the Judge prior to trial it would take to settle the case. These facts are proper indications as to the value of a case and need to be considered when deciding to reduce an excessive verdict.

3. It should make no difference to the Court what jurisdiction a case is being heard in when determining whether a verdict is excessive or unreasonable. Counsel boldly states that this verdict would not be higher than one might predict if it had occurred in Prince George's County or Baltimore City. To the contrary, there have been a number of similar verdicts in Prince George's County that have been reduced by the trial Judge as being excessive.

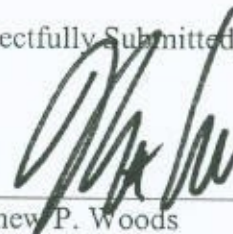
A) *Mason v. Washington*, Circuit Court for Prince George's County, Case No: CAL 04-1149. This case was heard before the Honorable William Nichols on February 8, and 9, 2005. In this case Plaintiff complained of permanent injury to her wrist, knee, and low back region. She had total specials of \$13,707.25. The last offer on the case was \$20,000 against a demand for \$35,000. The case went to trial and a jury delivered a verdict of \$327,000 of which \$307,500 was non-economic damages. The Defendant in the matter filed a Motion for Remittitur and Judge C. Philip Nichols remitted the award to \$70,000. In that case factually the Plaintiff had a permanent partial disability rating of 30%.

B) *Wood v. Palmer Ford, Inc.*, 298 Md. 484, 471 A2d 297, 1984. In this case, which was tried before Howard Chasanow in the Circuit Court for Prince George's County, the jury awarded a verdict against *Palmer Ford, Inc.* in the amount of \$100,000 for compensatory damages and \$400,000 in punitive damages. Upon a Motion for Remittitur, Judge Chasanow commented that the Plaintiff had sought \$25,000 in compensatory damages and \$100,000 in punitive damages during argument to the jury and reduced each award to what the Plaintiff said he wanted during closing argument.

4. As the above captioned cases indicate, contrary to Plaintiff's counsel's assertions, when an excessive verdict is returned in any jurisdiction, including Prince George's County, the verdict can and should be reduced. Especially telling is the *Mason v. Washington* case, in which the Plaintiff had very similar injuries, nearly identical demands and offers pre-trial, and an alleged permanent impairment. The verdict in that case, which was nearly identical, albeit less, than the verdict in the case at bar, shocked the consciousness of Judge Nichols and he properly reduced the verdict to a reasonable amount, as should be done in this case.

In sum, the excessiveness of the verdict returned in the above captioned matter is clear. Similar verdicts have been reduced with similar facts and issues involved. This case should also be reduced as not being in line with the evidence being presented.

Respectfully Submitted,



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Matthew P. Woods  
Attorney for Defendant Aspen Park  
1 W. Pennsylvania Ave., Ste. 500  
Towson, Maryland 21204-5025  
(410) 832-8051

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, That on this 12 day of May, 2005, a copy of the attached Defendant's Response to Plaintiff's Response to Defendant's Request for Remittitur or, in the alternative, Motion for New Trial and proposed Order was mailed, postage prepaid, to **Laura G. Zois, Esquire**, Empire Towers, Suite 615, 7301 Ritchie Highway, Glen Burnie, MD 21061, Attorney for Plaintiff.



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Matthew P. Woods

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**ORDER**

Upon consideration of the Response, filed by Defendant Aspen Park Homeowners' Association, Inc., it is this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the Circuit Court for Anne Arundel County,

ORDERED, That Defendant's Motion is hereby GRANTED; and, That

\_\_\_\_\_ The jury's award shall be reduced to \$ \_\_\_\_\_.

\_\_\_\_\_ A new trial will be scheduled concerning the underlying matter.

\_\_\_\_\_  
JUDGE, Circuit Court for  
Anne Arundel County

Copies to:

Matthew P. Woods, Esq.  
Laura G. Zois, Esq.