

150 78B-10a-107(2)(a)(i).

151 (2) (a) If the plaintiff, as the moving party in a trial de novo requested under Subsection  
152 78B-10a-107(2), does not obtain a verdict that is at least \$5,000 and 30% greater than the  
153 arbitration award, the plaintiff is responsible for all of the nonmoving party's costs.

154 (b) Except as provided in Subsection (2)(c), the costs under Subsection (2)(a) shall  
155 include:

156 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and

157 (ii) the costs of expert witnesses and depositions.

158 (c) An award of costs under this Subsection (2) may not exceed \$6,000.

159 (3) (a) If a defendant, as the moving party in a trial de novo requested in accordance  
160 with Subsection 78B-10a-107(2), does not obtain a verdict that is at least ~~5~~→ [35%] 30% ←~~5~~ less  
160a than the

161 arbitration award, the defendant is responsible for all of the nonmoving party's costs.

162 (b) Except as provided in Subsection (3)(c), the costs under Subsection (3)(a) shall  
163 include:

164 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and

165 (ii) the costs of expert witnesses and depositions.

166 (c) An award of costs in accordance with this Subsection (3) may not exceed \$6,000.

167 (4) For purposes of determining whether a party's verdict is greater or less than the  
168 arbitration award under Subsections (2) and (3), a court may not consider any recovery or other  
169 relief granted on a claim for damages if the claim for damages:

170 (a) was not fully disclosed in writing prior to the arbitration proceeding; or

171 (b) was not disclosed in response to discovery contrary to the Utah Rules of Civil  
172 Procedure.

173 (5) If a district court determines, upon a motion of the nonmoving party, that the  
174 moving party's use of the trial de novo process was filed in bad faith as defined in Section  
175 78B-5-825, the district court may award reasonable attorney fees to the nonmoving party.

176 (6) (a) If a defendant requests a trial de novo under Subsection 78B-10a-107(2), the  
177 total verdict at trial may not exceed \$15,000 above any available limits of insurance coverage  
178 and the total verdict may not exceed \$65,000.

179 (b) If a plaintiff requests a trial de novo under Subsection 78B-10a-107(2), the verdict  
180 at trial may not exceed \$50,000.