

**Plaintiffs' Maryland Wage Payment and Collection Act
Claims.
Discretionary Damages under the Maryland Wage Payment and Collection Act.**

The Maryland Wage Payment and Collection Law authorizes employees and former employees to recover up to three times the amount of unpaid wages if the withholding of payment was not the result of a bona fide or good faith dispute. If you rule in favor of the Plaintiff on his claims under the Maryland Wage Payment and Collection Law, you must determine whether the Defendant's refusal to pay the Plaintiff all or part of his earned commission, bonus, or severance was not the result of a good faith dispute.

An employer may be liable for treble damages for all or any portion of the amount claimed.

If you find that the withholding of all or part of the commission, bonus or severance was not the result of a good faith dispute, you may award up to three times the amount of the commission, bonus or severance that was not the result of a good faith dispute.

See Maryland Wage Payment and Collection Law, Md. Code Ann., Lab. & Empl. § 3-501 et seq.; Medex v. McCabe, 372 Md. 28, 43-44, 811 A.2d 297 (2002) (standard for determining if there was *bona fide* dispute; determination was issue for jury); Rogers v. Savings First Mortgage, LLC, 362 F. Supp. 2d 624, 648 (D. Md. 2005) (same); Admiral Mortgage, Inc. v. Cooper, 357 Md. 533, 541-44, 745 A.2d 1026 (2000) (same); Imgarden v. Bellboy Corp., No. L-00-3178, ___ F. Supp. 2d ___, 2005 WL 1961323 (D. Md. Aug. 16, 2005); Baltimore Harbor Charters, Ltd. v. Ayd, 365 Md. 366, 397, 780 A.2d 303 (2001) (employer may be liable for all or a portion of the amount claimed).

Respectfully submitted,