QUAN-EN YANG, *et al.* On Their Own Behalf and on Behalf of All Others Similarly Situated,	*	IN THE
	*	CIRCUIT COURT
Plaintiffs,	*	FOR
vs.	*	MONTGOMERY COUNTY, MD.
G & C GULF, INC. d/b/a G&G TOWING, *et al.*	*	Case No. 403885V TRACK VI
and	*	
BRUCE PATNER t/a PATNER PROPERTIES, On His Own Behalf and on Behalf of All Others Similarly Situated	*	Hon. Ronald B. Rubin, Specially Assigned
	*	
Defendants.	*	

* * * * * * * * * * *

PLAINTIFFS' OPPOSITION TO DEFENDANT BRUCE PATNER'S MOTION TO STRIKE FOURTH AMENDED CLASS ACTION COMPLAINT

Plaintiffs Quan-En Yang ("Dr. Yang"), Mary Lois Pelz ("Ms. Pelz") and Darcy Pelz-Butler ("Ms. Pelz-Butler")(collectively, "Named Plaintiffs"), on behalf of themselves and the Certified Class in this case, oppose the Motion to Strike Fourth Amended Class Action Complaint (the "Motion") filed by Defendant Bruce Patner ("Mr. Patner").

I. Introduction

Mr. Patner argued in his motion to dismiss (Dkt. No. 170) that the Third Amended Complaint should be dismissed because it did not include a named plaintiff whose vehicle was towed from a lot he owned. Now that two such plaintiffs are named in the Fourth Amended Complaint, Mr. Patner cries foul, claiming that he is prejudiced because Plaintiffs addressed the alleged deficiencies he found in their pleading. His Motion is in the "wants to have his cake and eat it too" category.

The Motion is also contrary to Maryland law. The text and policy of the Maryland Rules, and Maryland case law, favors the liberal amendment of pleadings. See Md. Rule 2-341(c) ("[a]mendments shall be freely allowed when justice so permits."); *see also Crowe v. Houseworth*, 272 Md. 481, 485 (amendments are allowed "so that cases will be tried on their merits rather than upon the niceties of pleading"). Indeed, in the class action context, Rule 2-231(f) expressly contemplates that unnamed members of a plaintiff class may "come into" the action as parties.

Mr. Patner's claim that he is prejudiced by the Fourth Amended Complaint appears to stem from the fact that the amendment takes away the only argument he made for dismissal – but that is not legal prejudice at all. Perhaps recognizing as much, Mr. Patner strains to support his Motion by claiming that he is prejudiced by the "delay" in filing the Fourth Amended Complaint – but that argument ignores the fact that the amendment was made within the time for responding to his motion to dismiss, is in violation of no provision of the scheduling order, and is indisputably timely under Md. Rule 2-341(a). His suggestion that he has been deprived of discovery is wrong, because the discovery deadline Mr. Patner relies upon is for discovery related to certification of the Defendant class – it does not relate to discovery of the new named plaintiffs. And Mr. Patner never even ***asked*** Class Counsel for discovery of those plaintiffs.

Finally, Mr. Patner's absurd argument that the amendment should be stricken because it seeks to replace Dr. Yang as a party borders on the frivolous. Dr. Yang remains a party, and is the certified Class Representative.

The Motion should be denied.

II. Factual Background

On May 3, 2016, this Court entered a Judgment which certified the following plaintiff Class:

> All persons whose vehicles, between April 16, 2012 and January 7, 2016 were non-consensually towed by G & C Gulf, Inc. d/b/a G&G Towing ("G&G Towing") from a private Parking Lot.
>
> Excluded from the Class are all former and present directors, officers and agents as well as all current employees of G&G Towing.

May 3, 2016 Judgment at ¶ 2. The Court certified Dr. Yang as a Class Representative. *Id.* at ¶5.[1]

The May 3, 2016 Judgment in no way contemplated that the claims of Dr. Yang or the Class would be terminated as a result of that judgment – to the contrary, the Court recognized that the plaintiff Class would be continuing to litigate against a proposed Defendant Class:

> I find this is an actually extremely elegant and creative resolution that counsel with the assistance of my colleague retired from the Court of Appeals to not only protect the rights of the class but to allow a particular defendant an appropriate exit strategy while at the same time creating something that I have not seen in reality for about a decade which is, I find, the actual creation of what very likely will be a true defendant's class.

See Exhibit A, Transcript of May 3, 2016 Ruling, at 19. Indeed, the operative complaint at the time of the May 3, 2016 Judgment named Patner as a Defendant and included a proposed Defendant Class definition. *See* Dkt. No. 127, Second Amended Complaint at ¶103.[2]

Mr. Patner filed a motion to dismiss the Third Amended Complaint on July 11, 2016, arguing that Dr. Yang could not maintain a claim against Patner:

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[1] Mr. Patner claims that the Judgment certified a "settlement class," Motion at ¶ 4, but the May 3, 2016 Judgment was not a "settlement" – it included no releases, and entered a judgment against G&G. Moreover, a "settlement class" must satisfy the same requirements under Rule 2-231 as any other class, other than manageability. *See, e.g., Amchem Prod., Inc. v. Windsor*, 521 U.S. 591, 620 (1997) (under Fed. R. Civ. P. 23, the federal analogue to Md. Rule 2-231, the requirements for class certification other than manageability "demand undiluted, even heightened, attention in the settlement context."). Notably, Mr. Patner has never argued that manageability is a concern in this case.

[2] The May 3, 2016 Judgment, and the Agreement it incorporated, contained no release for any party – certainly not for Mr. Patner or any member of the proposed Defendant Class.

> [w]hile Plaintiff Yang arguably states a claim against Defendant G&C, and apparently believes that he has a claim against whomever may own the Walgreen's parking lot from which he was towed, he makes no factual allegations against Defendant Patner. ... Plaintiff Yang's attempt to bring claims against parties with whom he has had absolutely no dealing should not be allowed to proceed.

See Dkt. No. 170 at 2.

On July 28, 2016, Plaintiffs filed the Fourth Amended Complaint, which added Ms. Pelz and Ms. Pelz-Butler as named plaintiffs, and which included allegations that Ms. Pelz and Ms. Pelz-Butler suffered the towing of a vehicle by G&G from a parking lot owned by Defendant Patner. *See* Fourth Amended Complaint (Dkt. No. 177) at ¶¶ 55-70. Plaintiffs also responded to Patner's motion to dismiss, noting that the filing of the Fourth Amended Complaint mooted that motion.[3] *See* Dkt. No. 179; *see also, e.g., Priddy v. Jones*, 81 Md. App. 164 (1989) (an amended complaint "replaces an earlier complaint in its entirety"); *Goel Servs., Inc. v. Gamache*, No. PWG-12-3464, 2013 WL 11330874, at *1 (D. Md. Apr. 30, 2013) (denying a motion to dismiss on the grounds that it was moot where an amended pleading was filed "which supersedes the original Counterclaim and addresses the factual deficiencies raised in Plaintiff's Motion.")

On August 8, 2016, Defendant Patner filed his Motion.

III. Legal Standard

As discussed above, the Maryland Rules prescribe that "[a]mendments shall be freely allowed when justice so permits." Md. Rule 2-341(c). "[W]hether to grant a motion to strike [an amended complaint] is within the sound discretion of the trial court." *First Wholesale Cleaners Inc. v. Donegal Mut. Ins. Co.*, 143 Md. App. 24, 41–42 (2002) (citing *Lancaster v. Gardiner*, 225 Md. 260,

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[3] Mr. Patner repeatedly and erroneously asserts that Plaintiffs did not oppose his motion to dismiss. *See, e.g.*, Motion at ¶ 9; *see also* Dkt. No. 186 at 2. Plaintiffs' response to Mr. Patner's motion to dismiss clearly opposes it, noting that it is moot. *See* Dkt. No. 179.

269-70 (1961); *Patapsco Assoc. Ltd. Part. v. Gurany,* 80 Md.App. 200, 204 (1989)). However, a motion to strike on the grounds of tardy amendment "should be granted only if the delay prejudices the defendant," and the burden of proof is on the moving party. *Id.*

IV. Argument

Mr. Patner's Motion makes two arguments: 1) Mr. Patner has been prejudiced by the "untimely" filing of the Fourth Amended Complaint (Motion at ¶¶ 11-12); and, 2) the Fourth Amended Complaint violates the Maryland Rules because Dr. Yang is no longer a party to this case (Motion at ¶¶ 13-14). Neither argument is supportable.

A. The Fourth Amended Complaint Does Not Prejudice Patner.

Patner is not prejudiced by the filing of the Fourth Amended Complaint. To the contrary, the addition of new named plaintiffs addresses Mr. Patner's previous complaints in his motion to dismiss about the lack of a class representative whose vehicle was towed from a lot owned by him. The Fourth Amended Complaint was filed within the time for responding to that motion to dismiss. Accordingly, it is an amendment which is timely, responsive to allegations of a defect in the pleading,[4] protects the certified class, and supports the ends of justice.

Patner's motion to dismiss argued that the Plaintiffs could not assert claims against him without a named plaintiff whose vehicle was towed from one of his parking lots. *See* Dkt. No. 170 at 2. The Fourth Amended Complaint names two such plaintiffs, and named them within the time for responding to the motion to dismiss. Patner can hardly be surprised by such a

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[4] Plaintiffs do not believe that a named plaintiff whose vehicle was towed from one of Defendant Patner's parking lots is required, but that question is academic in light of the claims of Ms. Pelz and Ms. Pelz-Butler.

development, or its timing.[5] Moreover, the amendment is timely under the Maryland Rules - it is not beyond any deadline in any scheduling order in this case, and came well in advance of 30 days before trial. *See* Md. Rule 2-341(a). Mr. Patner's position that he is prejudiced because Plaintiffs removed the alleged deficiencies he complained about before, within the time for responding to those complaints and within the time for amending the pleading under the Rules, qualifies as legal gamesmanship and not the stuff of which legal prejudice is made.

Moreover, the Court of Appeals in *Crowe* found that similar amendments should be allowed where the delay was far more egregious than what Mr. Patner alleges is the delay here. In *Crowe*, the defendant objected to a complaint on the basis that it did not name necessary parties – 272 Md. at 483 – similarly here, Patner objected to the Third Amended Complaint, claiming that it did not include a plaintiff who had standing to sue him. In *Crowe*, when the plaintiff sought to amend the complaint to fix the alleged defect, the court did not allow it – *id.* – exactly what Patner asks the Court to do here. The Court of Appeals, however, reversed, determining that the defendant "can in no way be prejudiced by the appearance of additional parties who could have been made parties plaintiff or defendant when the action was initially brought, because neither the gravamen of the action nor the measure of damages will in any way be affected." 272 Md. 481, 485. The same is true here - any Plaintiff Class member could have been made a named plaintiff when the action was initially brought, because they all share the same typical, common predominating facts and causes of action as Dr. Yang. The Court has already determined as much through certification of the Plaintiff Class.

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[5] The filing of the Fourth Amended Complaint was precipitated by Dr. Yang's unexpected travel to China, but nonetheless also addresses the arguments made by Mr. Patner in his motion to dismiss.

Moroever, the delay in *Crowe* – where amendment was allowed – dwarfs Mr. Patner's allegations of delay here. While the Fourth Amended Complaint was filed within a month of Mr. Patner's motion to dismiss, and within the time for responding to that motion, the delay in *Crowe* was ***seven and one-half years***, as the Court of Special Appeals observed in a later opinion:

> Lest there be any doubt as to the extent to which the Court of Appeals has gone in permitting amendments to be made freely, that doubt was laid to rest in *Crowe v. Houseworth*, 272 Md. 481, 325 A.2d 592 (1974), reversing, 19 Md.App. 688, 313 A.2d 523 (1974). In that case, this Court was of the belief that the seeking to amend a suit by adding new parties plaintiff and, thus, satisfying the rule relative to non joinder of parties in a joint tenancy case, *see Crowe v. Houseworth*, 19 Md.App. at 694, 313 A.2d 523, was unreasonable in view of the 7 1/2 years the case had been at issue. We so believed because we felt the delay was inordinate, and we held that the hearing judge did not abuse his discretion in refusing the amendment. We were wrong. The Court of Appeals, on certiorari, in *Crowe*, 272 Md. at 485, 325 A.2d at 595 said:
>
> > 'One of the relatively recent, but nonetheless dramatic developments in the law, is the increased liberality with which amendments of pleadings may be allowed, with or without leave of court, if the ends of justice are served. Generally, this has been accomplished by either statute or rule, C. Clark, Law of Code Pleading s 115, at 708-15 (2d ed. 1947).'
>
> The Court reiterated that '. . . amendments should be freely allowed . . ..' 272 Md. at 485, 325 A.2d 592.

Staub v. Staub, 31 Md. App. 478, 481, 356 A.2d 609, 611 (1976). Indeed, Maryland appellate decisions have approved of amending the complaint even ***during trial***. *See Hartford Acc. and Indem. Co. v. Scarlett Harbor Associates Ltd. Partnership*, 109 Md. App. 217, 247-248 (1996) (reversing trial court's refusal to permit amendment during trial, noting that "[t]he Court of Appeals has indicated that it is a 'rare situation' in which the granting of leave to amend is not warranted.")

Under this authority, Mr. Patner can claim no prejudice by the filing of the Fourth Amended Complaint. Mr. Patner's suggestion that Plaintiff's amendment was untimely, when it

was made within the time for responding to his motion to dismiss, is contradicted by Maryland's policy of liberal amendment, even after years of delay or after trial has begun.

Mr. Patner's argument that he was somehow prevented from taking discovery of Ms. Pelz and Ms. Pelz-Butler (Motion at ¶ 11) does not support his claim of prejudice either – he is simply incorrect. After all, Ms. Pelz and Ms. Pelz-Butler ***have*** provided discovery, including responses to interrogatories which identified them as persons with information, provided the date and location of their tow, and provided information on their damages. Ms. Pelz and Ms. Pelz-Butler also provided affidavits in support of Plaintiffs' Motion for Class Certification of the Defendant Class. *See* Dkt. No. 184, Exhs. B & C. Accordingly, Mr. Patner's suggestion that he was unable to take discovery of Ms. Pelz and Ms. Pelz-Butler is not accurate.

Moreover, Patner's counsel has ***never once*** asked to take any further discovery of either Ms. Pelz or Ms. Pelz-Butler. Had Patner's counsel done so, Class Counsel would have readily accommodated a reasonable request. After all, the only discovery deadline that expired on July 28 was the deadline for discovery regarding certification of the Defendant class. *See* Dkt. No. 158 (governing "discovery and briefing ***relating to certification of the Defendant Class***") (emphasis added). Discovery relating to whether or not Ms. Pelz and Ms. Pelz-Butler may be named plaintiffs for the *Plaintiff* Class is obviously not subject to that deadline.

Mr. Patner fails to carry his burden to prove prejudice. The amendment violates no deadlines in a scheduling order, was filed within the time for responding to Mr. Patner's motion to dismiss, and does not interfere with discovery as Mr. Patner claims.

B. Mr. Patner's Claim that Dr. Yang Is Not a Party to this Case Is Absurd.

Mr. Patner's argument that the Fourth Amended Complaint should be stricken because Dr. Yang is no longer a party to the action asks this Court to ignore reality. *See* Motion to Strike at ¶ 13-14. There is no question that Dr. Yang remains a party to this action.

Dr. Yang is, of course, at the top of the caption in this Opposition and every paper in this case. This Court certified him as a named Class representative. Although Dr. Yang informed the Court that he is currently away on pressing family business in China, see Dkt. No. 178 at ¶ 4, he expects to be back in October, and has never suggested that he is withdrawing as named Plaintiff.

In fact, even Mr. Patner acknowledges that Dr. Yang is still named as a party in the Fourth Amended Complaint. *See* Motion to Strike at ¶14. This concession fundamentally undermines the argument that Dr. Yang is somehow "no longer a party to the action." *Id.*

In contravention of all of these indisputable facts, however, Patner claims that Dr. Yang is no longer a party because his claims against G&G have been resolved. Motion at ¶¶ 13-14. That argument completely misses the point. The Judgment this Court entered on May 3, 2016 did not release Mr. Patner or the other members of the proposed Defendant Class from any liability to Dr. Yang and the Plaintiff Class. Dr. Yang and the Plaintiff Class continue to pursue Mr. Patner and the proposed Defendant Class in this case for their joint and several liability with G&G. *See* Fourth Amended Complaint at, *inter alia*, ¶¶ 85-117. Dr. Yang is a party to this case, both nominally and substantively.[6]

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[6] Accepting *arguendo* Patner's outlandish claim that Dr. Yang is not a party to this case, it would still not prevent amendment of the complaint to add a new class representative. Rule 2-231 in fact, expressly contemplates such a circumstance. See Rule 2-231(f)(authorizing the Court to issue notice "requiring for the protection of members of the class or otherwise for the fair conduct of the action, that notice be given ... of the opportunity of [class] members...to come into the action.") As Professor Newberg has noted, citing the analogous provision of the federal

As Dr. Yang remains a party to this case, Mr. Patner's argument that the Fourth Amended Complaint violates Rule 2-341(c) is devoid of merit.

V. Conclusion

For the reasons set forth above, the Motion should be denied.

Respectfully submitted,

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Attorneys for Plaintiffs and the Certified Class

By: 
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rule (Fed. R. Civ. P. 23(d)(1)(B)), when a class representative's claim is mooted – as Mr. Patner claims occurred here - "intervention by absentee members is freely allowed in order to substitute them as class representatives." Newberg on Class Actions § 2:17 (5th ed.) Otherwise, the voluntary actions of a named representative could prejudice unnamed class members:

> certainly following certification, Rule 23 is designed to assure that the rights of absent class members are not prejudiced by the voluntary actions of the representative plaintiff. Accordingly, when mootness of the named plaintiff's claims occurs after initiation of the suit or certification, the procedures inherent in Rule 23 enable some effort to bolster representation or to find some suitable substitute class representative, following notice to all or part of the class. This effort is an appropriate alternative to dismissal of the class action.

Id. This, of course, is not what is occurring in this case, because Dr. Yang's claims are not moot, and the Fourth Amended Complaint simply adds named plaintiffs, it does not substitute anyone. It is notable, however, that Patner's argument fails even upon its own terms.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2016, I served the foregoing Plaintiffs' Opposition to Defendant Bruce Patner's Motion to Strike Fourth Amended Class Action Complaint by electronic mail and first-class mail, postage pre-paid, on:

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Richard S. Gordon

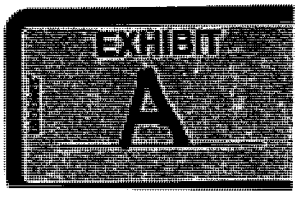
IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

QUAN-EN YANG, ET AL.,	:	
Plaintiffs,	:	
v.	:	Civil No. 403885
C&G GULF INC., ET AL.,	:	
Defendants.	:	

MOTIONS HEARING

Rockville, Maryland May 3, 2016

DEPOSITION SERVICES, INC.
12321 Middlebrook Road, Suite 210
Germantown, Maryland 20874
(301) 881-3344



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v.	:	Civil No. 403885
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Defendants.	:	

Rockville, Maryland

May 3, 2016

WHEREUPON, the proceedings in the above-entitled matter commenced

BEFORE: THE HONORABLE RONALD B. RUBIN, JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

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APPEARANCES:

FOR DEFENDANT GLENN CADE:

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I N D E X

MR. EINHORN: No. I do not. I do not, as you know, I represent G&C Gulf Inc.

THE COURT: Right.

MR. EINHORN: So I have no input on what you've heard so far today.

THE COURT: Thank you. All right. Anybody else need to weigh in on anything at all?

JUDGE'S RULING

Madam Clerk, the case is before me for a final approval of the settlement of a class action of a particular defendant. Obviously the rules require that no class action, punitive or otherwise, be settled without court approval.

This is a case where I have been actively involved in the management of the case for some time. And I find this is an actually extremely elegant and creative resolution that counsel with the assistance of my colleague retired from the Court of Appeals to not only protect the rights of the class but to allow a particular defendant an appropriate exit strategy while at the same time creating something that I have not seen in reality for about a decade which is, I find, the actual creation of what very likely will be a true defendant's class.

They are written about. They are mused about. But in the real world, except maybe in the so-called firearms litigation they are rare. So while I was -- when I first heard

about what was being talked about, I don't think I fully apprehended or appreciated what was coming but now I do.

And I find that the settlement is not only fair, reasonable, and adequate but frankly is something which, if brought to final fruition, more likely so than not so has the opportunity to bear substantial fruit for the class members.

Going to a trial I find with this particular defendant would have been largely futile because I apprehended and was confirmed there was a very real risk of him exercising -- or it exercising its rights under the federal bankruptcy laws to not only stop everything, meaning there would be little or no recovery for the class. But more importantly here one of the main benefits of this particular form of settlement I find was the information flow, if you will, from the entity defendant and the individual defendant on the one hand to plaintiff's counsel because now they have, I find, a complete database and set of all the actual class members which is -- which is quite unique in this case.

The number of, over 20,000, actual class members have been identified I find. They have been notified I find. They have been informed, I find, of not only the generalities of the settlement but in its particulars. The web site I find is complete and accurate and informative and descriptive. Not that anybody uses the telephone anymore but to have over 500 phone calls from class members to counsel indicates to me a

level of activity I find to be clearly showing an interest in the class.

And also over 6600 views of the website, understanding that some folks may simply be browsing and that there are similar websites set up for other litigations in New York City and other places where this has come up. Nonetheless, for a website not generated by advertising or paying Google to put you up top which is how they do it, that is, I find, an incredible number of views given the size of the class.

I find the class has actual notice. There is no question in my mind. I reviewed every scrap of paper in this case. And have continually monitored it since the beginning. The negotiation here, I find, was absolutely on point that this was a hotly litigated and contested case. I know neither the individual defendant nor the entity defendant was delighted to be here.

And the multiple sessions with Judge Raker were required to attempt to craft a meaningful and thoughtful resolution which I have to tell you is extremely creative in a good way and elegant in addition to allowing this particular defendant a graceful exit strategy probably is going to open the hoover dam if you will vis a vis the potential litigation result for the class, which is the purpose of the class action. All the requisites are satisfied. Numerosity, typicality,

commonality.

This is the most practical method. There are no obstacles to resolution. That said, I will approve the settlement. I will grant the relief requested. I have reviewed the form of judgment and I am satisfied that it fairly and accurately and correctly identifies and illustrates the conduct of this litigation and its outcome.

So I've signed the order for judgment. Now, I have the administrators. I know it was an unopposed motion. Does anybody want to particularly weigh in on that? I have reviewed the administration costs and the claims of $39,454.68.

MR. GORDON: I have just reviewed it. I have no other comment.

THE COURT: I have signed that. Now, Mr. Gordon, let's circle back. Remind me about the cy-pres and the fee piece of this case?

MR. GORDON: Your Honor, with respect to the -- I'll do the cy-pres piece first. Obviously, there is no cy-pres to distribute at this point but we did want to get the mechanism in place.

THE COURT: Okay. Which is encompassed in the judgment order?

MR. GORDON: It is all encompassed in the judgment. We have proposed four cy-pres recipients. The first 5,000 -- the first 15,000 will go to three organizations. The Maryland

Consumer Rights Coalition, Civil Justice, and organization called the Vehicles of Change, which is a wonderful organization.

THE COURT: I'm familiar with it. In this community, they do good work.

MR. GORDON: They do fantastic work. And they are expanding, which is great. And we hope that this helps as well. And whatever remains, if anything remains, will be given to the Francis King Harry School of Law which is going to be using it to help establish a consumer law chair that will be intended to put consumer law on par. Contracts, torts, constitutional law, for the next generation of law students.

And I think that's a wonderful use for it. And whether or not there is any money in the future to go towards that, certainly as class counsel I hope that we can distribute every penny of the money to class members but if that money is going to be used for it, it's a wonderful use for it.

With respect to the attorney's fees, Your Honor, we are asking for one third of the money currently in the account, which is certainly a standard amount asked for from a common fund. Plus the payment of our litigation expenses in this case which is a little over $10,000 at the moment.

THE COURT: All right. Let me review. And the law school at University of Maryland is interested in a chair of that nature?

MR. GORDON: They are, Your Honor. I actually had lunch with Dean Tobin. He is thrilled about the idea. And it was his idea to use the money for that purpose. So he is committed to it. I should also mention he is the first dean of a law school that I have met with who is younger than me, which is a little disconcerting.

THE COURT: There is a reason for that.

MR. GORDON: Your Honor, I would also mention. I don't think that I mentioned specifically the incentive fee in this case because I think it is quite important for Dr. Yang to get a little mention in this case. He not only was the named class representative in the case, provided documents, provided discovery, gave his deposition.

He is going to continue in his role as a named class representative as this case proceeds. So he is committed to going forward. I think that the amount that is requested for him is rather modest considering the circumstances and I think that he has done a fine job for the class.

THE COURT: Okay. Those requests will be granted. What am I having trouble putting my hands on are the proposed orders.

MR. GORDON: Your Honor, they're all in the judgment.

THE COURT: Oh. That's right. Thank you. Now, let's talk about scheduling. Mr. Einhorn, you had a motion. Did you want to do scheduling first?

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BRUCE PATNER t/a PATNER PROPERTIES, On His Own Behalf and on Behalf of All Others Similarly Situated	*	Hon. Ronald B. Rubin, Specially Assigned
	*	
Defendants.	*	

* * * * * * * * * * *

ORDER

UPON CONSIDERATION OF Defendant Bruce Patner's Motion to Strike Fourth Amended Class Action Complaint, Plaintiffs' Opposition thereto, it is this ___ day of _____, 2016, ORDERED that Defendant's Motion is hereby DENIED.

_____

Honorable Ronald B. Rubin
Judge, Circuit Court for Montgomery County, MD