

QUAN-EN YANG, *et al.*
On Their Own Behalf and on Behalf
of All Others Similarly Situated,

Plaintiffs,

vs.

G & C GULF, INC. d/b/a
G&G TOWING, *et al.*

and

BRUCE PATNER t/a
PATNER PROPERTIES,
On His Own Behalf and on Behalf
of All Others Similarly Situated

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* MONTGOMERY COUNTY, MD.
* Case No. 403885V
* TRACK VI
*
* Hon. Ronald B. Rubin,
* Specially Assigned
*

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NOV 05 2019

Clerk of the Circuit Court
Montgomery County, Md.

* * * * *

**STATUS REPORT AND REQUEST FOR FORTY-FIVE (45) ADDITIONAL DAYS
TO SUBMIT PROPOSED PLAN FOR DISTRIBUTION OF THE
COMMON FUND ESCROW ACCOUNT TO THE MEMBERS
OF THE 2019 PLAINTIFF SETTLEMENT CLASS**

Plaintiffs, by and through the undersigned Class Counsel, submit this Status Report to update the Court on the recent settlement between members of the Plaintiff Class and the Defendant Class (“2019 Settlement”).

Current Status of Payments.

1. As of the filing of this Status Report, Plaintiffs can report to the Court that more than 65% of all remaining Defendant Class members (248 of the 360) have accepted the settlement and paid more than \$1.7 million into the Common Fund Escrow for the benefit of the 2019 Plaintiff Settlement Class.

2. With that stated, more than twenty (20) other Defendant Class members have asked for additional time to participate in the 2019 Settlement. Plaintiffs expect that these Defendant Class members, and likely others, will accept the 2019 Settlement and pay the

Common Fund Escrow within the next 30-40 days.

Request to Extend Time to File Distribution Plan

3. Paragraph 16 of the Final Order Approving 2019 Proposed Compromise of Plaintiffs' Claims, Form Settlement Demand and Certifying Settlement Classes (Dkt. No. 865)(“Final Order”), requires Plaintiff Class Counsel “within ninety (90) days of the entry of this Order, to provide the Court with a plan for distribution of the Common Fund Escrow Account to the members of the 2019 Plaintiff Settlement Class whose corresponding Defendant Class Member accepted the Compromise.” Given that the Final Order was entered on August 9, 2019, the distribution plan is due by November 7, 2019.

4. Because additional Defendant Class members are likely to participate in and fund the 2019 Settlement, Plaintiffs believe it advisable to hold off on proposing a distribution plan for an additional forty-five (45) days. If the Court approves this extension of time, Plaintiffs will provide the Court with a plan for distribution of the Common Fund Escrow Account to the members of the 2019 Plaintiff Settlement Class on or before December 23, 2019.

Plaintiffs' Limited Request to Communicate Directly with Defendant Class Members

5. Moreover, given the complex nature of the 2019 Settlement and the lawsuit's posture as both a Plaintiff and a Defendant class action, Plaintiff and Defendant Class Counsel have discussed and agreed that, going forward, the Court ought to permit Plaintiff Class Counsel to communicate directly with absent Defendant Class members regarding the 2019 proposed compromise of Plaintiffs' claims, consistent with the Rules of Professional Responsibility.

Defendant Counsels Position on Plaintiffs' Requests

6. Plaintiffs have shared this Status Report with Counsel for the Defendant Class, as well as counsel for the Intervenor, and requested that they consent both to: (a) the request to

extend the time for Plaintiff Class Counsel to propose a distribution plan for an additional forty-five (45) days; and (2) Plaintiff Class Counsel limited request to communicate directly with absent Defendant Class members. In particular, Plaintiffs forwarded this Status Report to James Ulwick and Jean Lewis (Counsel for the Defendant Class) and Gardner Duvall, Patrick McKeivitt and Thomas D. Murphy (Counsel for various Intervenors). With the exception of Mr. Murphy, all counsel consent to the relief requested; Mr. Murphy took no position with respect to it.¹


A proposed Order (also reviewed and approved by all defense counsel) is included with this Status Report.

Respectfully submitted,

Richard S. Gordon
rgordon@GWCfirm.com
Benjamin H. Carney
bcarney@GWCfirm.com
Ashley A. Wetzel
awetzel@GWCfirm.com
GORDON, WOLF & CARNEY, CHTD.
100 West Pennsylvania Ave., Ste. 100
Baltimore, Maryland 21204
(410) 825-2300
(410) 825-0066 (facsimile)

Attorneys for the 2019 Plaintiff Settlement Class

By:


Richard S. Gordon

¹ In a November 1, 2019 email, Mr. Murphy wrote: “Our case (Westmore) is before Judge Storm and we are not a participant in the matter you address. So we take no position on it.” While Plaintiffs may disagree with Mr. Murphy’s characterization as to whether Westmore is a Class Defendant in the *Yang v. G&G Towing* litigation, it is nonetheless apparent that Mr. Murphy and his client are not opposing the relief requested in this Status Report.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of November 2019, I served the foregoing Status Report and Request for Forty-Five (45) Additional Days to Submit Proposed Plan for Distribution of the Common Fund Escrow Account to the Members of the 2019 Plaintiff Settlement Class and proposed Order by electronic mail and first-class mail, postage prepaid on:

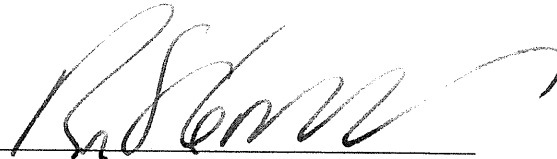
James Ulwick
Jean E. Lewis
Kramon & Graham, PA
One South Street
Suite 2600
Baltimore, Maryland 21202

Matthew Patner
Patner Law
110 N. Washington Street
Suite 340
Rockville, Maryland 20850

Gardner M. Duvall
Patrick D. McKevitt
Whiteford, Taylor & Preston, LLP
Seven Saint Paul Street, Suite 1500
Baltimore, Maryland 21202

Thomas D. Murphy
Murphy & Mood, P.C.
31 Wood Lane, Suite 2
Rockville, Maryland 20850

Michael Campbell
Miller, Miller & Canby
200-B Monroe Street
Rockville, Maryland 20850



Richard S. Gordon

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* * * * *

ORDER

UPON CONSIDERATION OF Plaintiffs’ Status Report and Request for Forty-Five (45) Additional Days to Submit Proposed Plan for Distribution of the Common Fund Escrow Account to the Members of the 2019 Plaintiff Settlement Class Plaintiffs, and Defendants’ consent thereto, it is this ___ day of November 2019,

ORDERED that the time for Plaintiff Class Counsel to provide the Court with a plan for distribution of the Common Fund Escrow Account to the members of the 2019 Plaintiff Settlement Class (“Distribution Plan”), as set forth in ¶16 of the Court’s August 9, 2019 Final Order Approving 2019 Proposed Compromise of Plaintiffs’ Claims, Form Settlement Demand and Certifying Settlement Classes (Dkt. No. 865) is hereby EXTENDED an additional forty-five (45) days, making the Distribution Plan due on or before December 23, 2019,

IT IS FURTHER ORDERED that given the complex nature of the 2019 Settlement and the lawsuit’s posture as both a Plaintiff and a Defendant class action, Plaintiff Class Counsels’

request for permission to communicate directly with absent Defendant Class members regarding the 2019 proposed compromise of Plaintiffs' claims, consistent with the Rules of Professional Responsibility is hereby GRANTED.

Hon. Ronald B. Rubin
Judge, Circuit Court for Montgomery County, Md.