

### Rule 16-205(c) STATEMENT

This case is a consumer class action seeking relief against a towing company – G & C Gulf, Inc. d/b/a G&G Towing – for violations of both Maryland’s and Montgomery County’s tow laws. As discussed below, it satisfies the Rule 16-205(c) factors for assignment to the Business and Technology Program (the “Program”):

**(1) The nature of the relief sought.**

The Maryland Business and Technology Task Force Report (the “Report”) recommended that eligibility for assignment to the Program be restricted to complaints “seeking compensatory damages totaling \$50,000.00 or more, or . . . primarily injunctive or other equitable relief.” Report, p.8 part VI.B.1.a. The present case meets this requirement. Although the exact size of the Class and exact amount of damages recoverable in this case are unknown, the Complaint seeks to recover damages on behalf of a Class of numerous Maryland consumers, where aggregated damages are expected to exceed \$75,000. *See* Complaint *ad damnum* clause. In addition, the Complaint seeks declaratory and injunctive relief to restrain the defendant from continuing to engage in its illegal towing activities. Accordingly, the nature of the relief sought weighs in favor of assigning this case to the Program.

**(2) The number and diverse interests of the parties.**

With respect to this factor, the Report determined that the Program was appropriate for cases involving business entities, as well as individuals “if involved in a dispute appropriate for Program designation.” Report p. 8 part VI.B.1. The Task Force Report further found that “commercial class actions” “should presumptively be assigned to the Program.” *Id.* at pp. 8-9, part VI.B.1.b. (emphasis added). The present case meets this requirement, as it involves the largest towing company in Montgomery County, arises from that entity’s commercial activity, and is a commercial class action. This factor likewise weighs in favor of assignment to the Program.

**(3) The anticipated nature and extent of pretrial discovery and motions.**

This case will require bifurcated discovery, with class certification discovery proceeding first, followed by Plaintiff’s motion for class certification, and merits-focused discovery commencing after the Court’s decision on class certification. The complex nature of the class-action proceedings weighs in favor of Program assignment.

**(4) Whether the parties agree to waive venue for the hearing of motions and other pretrial matters.**

Plaintiffs do not anticipate that this will be an issue in this case.

**(5) The degree of novelty and complexity of the factual and legal issues presented.**

This case presents complex legal issues. Among other things, this case involves numerous alleged systemic violations of (a) Maryland’s Towing or Removal of Vehicles from Parking Lots Law, Md. Code Ann., Transp. §21-10A-01 *et seq.*, and (b) Montgomery County Tow Law, MC Code, § 30C-1, *et seq.* Thus, the complex nature of the alleged violations supports Program assignment, as noted above.

**(6) Whether business or technology issues predominate over other issues presented in the action.**

Business and technology issues predominate over other issues in this case. As discussed above, the Program is designed to accommodate commercial class actions. Because the issues in this case will focus on class certification issues as well as the systemic nature of the claims, issues that the Program was designed to address are the focus of this case.

**(7) The willingness of the parties to participate in ADR procedures.**

Plaintiff and the putative class are willing to participate in mediation.