

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

QUAN-EN YANG, *et al.*

Plaintiffs,

v.

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

Defendants.

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Case No. 403885-V  
Track VI

**MOTION TO INTERVENE**

Intervening Party, Westmore Commercial Condominium Association, Inc. a/k/a Westmore Auto Park I (“Westmore”), by and through its counsel, Thomas Murphy, Esq. and Michael G. Campbell, Esq., pursuant to Md. Rule 2-214, moves to intervene in this action as a Defendant and in support states:

1. This is a class action that relates to the towing of vehicles from Parking Lots in Montgomery County, Maryland. The case has progressed significantly since its original filing on April 16, 2015. The Court (Rubin, J.) certified a Plaintiff Class, certified a Defendant Class and recently approved a bi-lateral settlement that binds most of the Defendant Class members.

2. Although not served with a writ of summons, Westmore received a postcard notice that it was included in the Defendant Class. Westmore timely elected to “opt out” of the settlement in order to litigate the issue of whether it belongs in the Defendant Class.

3. Since Westmore was not named as a defendant in the complaint, formal intervention is necessary for Westmore to be recognized as a defendant in this action.<sup>1</sup> Rule 2-214 permits a non-party to intervene “of right” in an action in two situations:

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<sup>1</sup> On the Court’s electronic docket, Westmore is currently listed as an “Interested Party.”

(1) when the person has an unconditional right to intervene as a matter of law; or  
(2) when the person claims an interest relating to the property or transaction that is the subject of the action, and the person is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest unless it is adequately represented by existing parties.

4. Westmore has a right to intervene since it was included in the Defendant Class and excluded itself from the settlement in order to litigate. Further, Westmore claims an interest related to the transaction that is the subject of this action, is situated such that the disposition of the matter without Westmore's involvement will impair its ability to protect its interest, and Westmore is not adequately represented by existing parties.

WHEREFORE, Westmore Commercial Condominium Association, Inc. a/k/a Westmore Auto Park I respectfully moves to intervene in this action as a Defendant.

Respectfully submitted,



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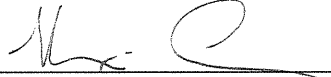
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*Counsel for Westmore Commercial  
Condominium Association, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of January, 2018, a copy of the foregoing was served by first-class mail, postage pre-paid, on counsel for Plaintiffs:

Richard S. Gordon, Esq.  
Benjamin H. Carney, Esq.  
Gordon, Wolf & Carney, Chtd.  
100 W. Pennsylvania Ave., Suite 100  
Towson, MD 21204

  
Michael G. Campbell

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**ORDER**

UPON CONSIDERATION of the Motion to Intervene, and any opposition thereto, it is  
this \_\_\_\_\_ of \_\_\_\_\_, 2018, hereby

ORDERED, that the Motion to Intervene shall be, and is hereby, GRANTED; and it is  
further

ORDERED, that Westmore Commercial Condominium Association, Inc. a/k/a Westmore  
Auto Park I shall be, and is hereby, a defendant in this action.

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JUDGE, Circuit Court for  
Montgomery County, MD