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DEC 13 2016

Clerk of the Circuit Court
Montgomery County, Md.

QUAN-EN YANG, *et al.*

Plaintiffs,

v.

BRUCE PATNER t/a/
PATNER PROPERTIES

Defendants.

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

* * * * *

**DEFENDANT'S MOTION TO APPROVE
PROPOSED ADMINISTRATIVE ORDER NO. 2**

Defendants Bruce Patner, by and through his attorneys, James P. Ulwick, Jean E. Lewis, Steven A. Book and Kramon & Graham, P.A., respectfully requests that this Court enter the attached proposed Administrative Order No. 2, and for cause states:

1. Plaintiff Quan-En Yang initiated this case on April 16, 2015 by suing G&C Gulf, Inc. in this Court.
2. In December 2015, this Court was notified that the Parties' had reached a settlement. The Parties' settlement was memorialized in an agreement dated December 30, 2015. On January 7, 2016, the Court granted preliminary approval of the Parties' settlement, and set a hearing on final approval for May 3, 2016.
3. The settlement contemplated the certification of a Plaintiff's class. Notice was sent to all proposed absent class members, and no opt-outs or objections were filed. The Court approved the settlement and certified the class the same day.
4. After the Court preliminary approved the settlement, but before it approved the settlement and certified the class, Plaintiffs filed a Second Amended Complaint, on April 4,

2016. That Complaint named Defendant Bruce Patner as an additional Plaintiff, and also requested the establishment of a Defendants' class consisting of more than 500 businesses, schools, churches and other entities who had entered into a written contract with G&C. The Complaint was not served on Defendant Patner, however, until *after* the Court approved the settlement and certified the Plaintiffs' Class.

5. Since Mr. Patner was added to this case, Plaintiffs have never moved to certify a class against him. Yet, Plaintiffs and the Court have both stated that Defendant Patner is being sued by a "certified class." Defendant Patner has repeatedly objected to the claim that a class has been certified against him; he continues to do so. In fact, the Court has never filed an Order certifying a class against Mr. Patner. It has never considered whether the requirements of Rule 2-231 have been satisfied with respect to a proposed Plaintiff's class against him, and Plaintiffs' have never even filed a Motion to certify such a class.

6. On August 12, 2016 Plaintiffs' moved for the Certification of a Defendant's class. Defendant Patner filed his Opposition on September 16, 2016.

7. On November 14, 2016, this Court granted Plaintiff's motion to certify a non-opt out Defendant class pursuant to Rule 2-231(b)(1)(A) and 2-231(b)(1)(B) of the Maryland Rules of Civil Procedure. The Court directed counsel to provide a proposed order implementing that decision.

8. Counsel conferred, but were unable to reach an agreement on the form of a proposed order. Accordingly, both Plaintiffs' counsel and undersigned counsel are submitting separate versions of proposed Administrative Order No. 2.

9. Counsel have also agreed that each side will file a proposed response to the other's proposed order by December 16.

10. While Defendant Patner maintains his opposition and objection to the certification of a class, his proposed order ameliorates some, (but not all) of the procedural irregularities here.

11. First, Defendant Patner's proposed order provides for notice to the members of the absent class, and a right to file an objection. No member of the class has been previously provided with a right to object to its inclusion in this class action, and due process requires an opportunity to object.

12. Second, Defendant Patner suggests that it would be inappropriate for this notice to come from Plaintiffs' counsel. It would also be inappropriate to direct absent class members to a website maintained by Plaintiffs' counsel.

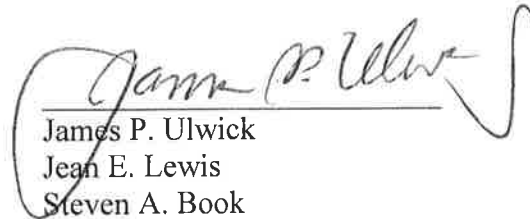
13. Third, Defendant Patner does not believe that Post Card notice is sufficient under these circumstances, and respectfully suggests that the notice should come from the Court to maximize the opportunity for it to be read and understood by absent class members.

14. Fourth, the Parties disagree about the identity of class members. Defendant Patner maintains that in order for an alleged class members to be properly part of the now certified Defendant Class, a written contract must exist. Defendant Patner's proposed order limits the class members accordingly.

15. Finally, Defendant Patner agrees that the maintenance of a website is necessary and appropriate here, but as stated above, it should not be maintained by counsel for the party opposing the class. The expenses of class notice should be borne by Plaintiffs here, and the expense of creating and maintaining a website should be borne by them as well.

WHEREFORE, for all these reasons, Defendant Patner respectfully requests that the Court adopt his proposed Administrative Order No. 2.

December 13, 2016



James P. Ulwick
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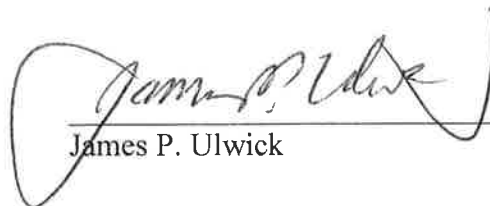
Counsel for Defendant, Bruce Patner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2016, a copy of Defendant Patner's Motion to Approve Proposed Administrative Order No. 2, was sent via electronic mail to:

Richard S. Gordon, Esquire
Benjamin H. Carney
GORDON, WOLF & CARNEY, CHTD.
102 West Pennsylvania Avenue, Suite 402
Towson, Maryland 21204

Counsel for Plaintiffs



James P. Ulwick

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
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* TRACK VI
*
* Hon. Ronald B. Rubin,
* Specially Assigned
*
*

* * * * *

ADMINISTRATIVE ORDER NUMBER 2

1. On November 14, 2016, this Court granted Class Certification pursuant to Rule 2-231(b)(1)(A) and 2-231(b)(1)(B) of the Maryland Rules of Civil Procedure, of a non-opt out Defendant Class consisting of:

All Parking Lot owners, managers and agents who entered into a written contract with G&G for the provision of trespass towing services which resulted in one or more vehicles being towed from the Parking Lot between April 16, 2012 and January 7, 2016.

2. In accordance with the Court's Order certifying the Class and Md. Rule 2-231(e), Defendant Class Members must be given notice concerning the nature and pendency of this action and of their rights, including notice of their right to object to certification and to their inclusion in the class, by a date certain.

3. On May 12, 2016, before any member of the Defendant Class had entered its appearance, the Court approved Administrative Order Number 1 (“Admin. Order No. 1”), which required that Plaintiffs give notice of the pendency of this class action to the then-putative Defendant Class, and which did not specify a deadline for objections to the certification of the Defendant Class. Dkt. No. 148.

4. Subject to the procedures set forth below, Plaintiffs shall send the Notice attached as Exhibit A, once approved by this Order, by regular mail to all Defendant Class Members for whom a written contract with G&G Towing for the provision of trespass towing services during the Class Period has been produced. That notice shall advise the members of the Defendant Class of their right to file objections regarding the certification of the Defendant Class and their inclusion therein (the “Objections”) and include a deadline for such Objections, which shall not be less than 45 days from the date the Notice is mailed to the members of the Defendant Class.

5. Within ten (10) days of entry of this Administrative Order No. 2, Plaintiffs shall provide Counsel for Named Class Defendant Representative Bruce Patner t/a Patner Properties (“Patner”) with a list of all Parking Lot owners, managers and agents who Plaintiffs contend are Members of the Defendant Class. For each such person or entity, Plaintiffs shall provide Patner the following information, in an electronic readable format: (1) their name(s), (2) last known address(es) and/or the address of the resident agent (the “Electronic Class List”), and (3) a copy of the written contract between G&G and Member of the Defendant Class, if it has not already been produced.

6. The Parties' counsel have submitted a proposed form for the Notice, a copy of which is attached hereto as **Exhibit A**. The Court hereby approves the Notice. Unless the

schedule is modified by further Order of this Court, the schedule respecting Notice shall proceed as follows:

A. The Notice attached hereto as **Exhibit A** shall be sent under the direction of Plaintiffs' counsel to all Defendant Class Members within Thirty (30) days of the entry of this Administrative Order No. 1, with a copy of the service list provided to Defendant's counsel.

B. The Notice shall be sent by U.S. mail, postage prepaid by Plaintiffs (the "Mailing").

C. Within Ten (10) days of the Mailing, Plaintiffs' counsel shall cause to be filed with the Clerk of this Court, and served upon opposing counsel, affidavits or declarations of the person or persons under whose general direction the mailing of the Notice shall have been made, showing that such Mailing was made in accordance with this Order.

7. Defendant Patner shall cause a website to be created for the use of Members of Defendant Class. That website shall contain the following information: copies of all filings in this matter; copies of the all of the rulings in this matter; and contact information for class counsel. Plaintiffs shall reimburse Patner for all costs associated with creating and maintaining the website.

8. No later than Twenty (20) days following the mailing of the Notice, Plaintiffs will file with the Court a final list of all persons to whom notice was sent, including: (1) the name of each person to whom notice was sent, and (2) the last known address(es) and/or the address of the resident agent to whom notice was sent.

Date: _____

Honorable Ronald B. Rubin
Circuit Court for Montgomery County, Maryland

EXHIBIT A

QUAN-EN YANG, *et al.*,

Plaintiffs,

v.

G & C GULF, INC., *et al.*,

Defendants.

* IN THE
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 * FOR
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 * Track VI
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 * Honorable Ronald B. Rubin,
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* * * * *

**NOTICE OF LAWSUIT FILED AGAINST DEFENDANT CLASS,
 CERTIFICATION OF DEFENDANT CLASS, AND OPPORTUNITY TO OBJECT**

PLEASE TAKE NOTICE, that on November 14, 2016, the Circuit Court for Montgomery County certified a Defendant Class of which you have been identified as a member. Pursuant to the Court's Order of November __, 2016, you have until January 31, 2017, to file an objection to the certification of the Defendant Class or your inclusion in the Defendant Class. If you wish for the Court to consider any objection you may have to the certification of the Defendant Class or your inclusion therein, then by January 31, 2017, you or your lawyer must file a written objection with the Clerk of the Circuit Court for Montgomery County explaining your position and mail a copy to both:

Defendant Class Counsel:

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

and

Plaintiffs' Counsel:

Richard Gordon, Esquire
Gordon, Wolf & Carney, Chtd.
102 West Pennsylvania Ave., Suite 402
Towson, Maryland 21204.

If you mail, rather than deliver, your response to the Clerk of the Circuit Court for filing, you must mail it early enough so that the court will receive it by the date stated above.

A hearing on any objections filed by Defendant Class Members is scheduled for _____, at _____, in the Circuit Court for Montgomery County, Montgomery County Judicial Center, 50 Maryland Avenue, Rockville, Maryland 20850 in Courtroom _____.

Please read the enclosed description of the case that has been filed against you.

Dated: _____

James P. Ulwick
Jean E. Lewis
One South Street, Suite 2600
Baltimore, Maryland 21202
Tel: (410) 752-6030
Fax: (410) 752-6030
Email: julwick@kg-law.com
Email: jlewis@kg-law.com

Defendant Class Counsel

Why am I receiving this notice? You are receiving this notice because you have been identified as a member of a Defendant Class that has been sued in the Circuit Court for Montgomery County, Maryland by a Plaintiff Class. The case is called *Yang v. G&C Gulf, Inc., t/a G&G Towing, et al.*, Case No. 403885V, and was initially filed by Plaintiff Quan-en Yang on his own behalf and on behalf of all others similarly situated against: (1) G&C Gulf, Inc., t/a G&G Towing, and (2) a Defendant Class represented by Bruce Patner t/a Patner Properties as the Defendant Class Representative (on his own behalf and on behalf of all others similarly situated). On November 14, 2016, the Court granted Class Certification pursuant to Rule 2-231(b)(1)(A) and 2-231(b)(1)(B) of the Maryland Rules of Civil Procedure, for a non-opt-out Defendant Class, of which you have been identified as a member. YOUR LEGAL RIGHTS WILL BE AFFECTED BY THIS LAWSUIT AND IF PLAINTIFFS ARE SUCCESSFUL, YOU MAY BE REQUIRED TO PAY DAMAGES.

What Is The Lawsuit About? The Plaintiff Class claims that Defendant G&G Towing – acting under the authority of written contracts with parking lot owners, managers and/or agents throughout Montgomery County (i.e., the Defendant Class) – engaged in predatory towing of vehicles that violated duties set forth in Maryland’s Towing or Removal of Vehicles from Parking Lots Law, (Md. Code Ann., Transp. §21-10A-01 *et seq.*), Montgomery County’s Tow Ordinances (Montgomery County Code, § 30C-1 *et seq.*) and the common law of Maryland. The Plaintiff Class claims that the members of the Defendant Class are derivatively liable, including jointly and severally liable, for G&G Towing’s violations of the law. On May 3, 2016, the Circuit Court for Montgomery County entered Judgment for \$22 million on all Counts in the Complaint in favor of a certified Plaintiff Class against Defendant G&G Towing; G&G's liability, however, was capped at \$350,000. Plaintiffs contend in their amended complaint that they are entitled to impose derivate liability on the Members of the Defendant Class for the balance of the \$22 million. The Named Defendant Class Representative is Bruce Patner t/a Patner Properties, 4720 Montgomery Lane, Bethesda, Maryland 20814.

Why Was This Notice Sent To You? Defendant G&G Towing’s records show that you are a member of the certified Defendant Class because they have produced a written contract between you and G&G Towing related to trespass towing services, which resulted in one or more vehicles being towed from your parking lot(s) between April 16, 2012 and January 7, 2016.

Who Represents the Defendant Class in this Lawsuit? The certified Defendant Class in this case is represented by James P. Ulwick and Jean E. Lewis of Kramon & Graham, PA, One South Street, Suite 2600, Baltimore, Maryland 21202; (410) 752-6030. Please call or email julwick@kg-law.com or jlewis@kg-law.com for additional information.

The Circuit Court for Montgomery County, Maryland authorized this Notice. If you have questions regarding this case, please do not call the Court. Questions should be directed instead to the Defendant Class Counsel.