

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
*
*

* * * * *

CONSENT DISTRIBUTION PLAN NO. 4

Plaintiffs, by and through the undersigned Class Counsel, hereby move the Court to approve a distribution of funds from the Common Fund Escrow resulting from the recent settlement of claims by three (3) Defendant Class members – Kohl’s Dept Store, Wedgewood Court Townhouse HOA, Inc. and Connor, LLC (“New Settling Defendants”) – who combined, have paid **\$123,146⁰⁰** into the Common Fund Escrow to settle the claims of 717 Plaintiff Class members towed from their Parking Lots. Plaintiff Class Counsel would now like to distribute these funds to those corresponding Plaintiff Class members. *See* ¶9, below.

Counsel for the remaining Intervenors in this case have reviewed this Plan No. 4 and either consent to it or take no position.¹

¹ In particular, Plaintiff Class Counsel shared a copy of this Distribution Plan No. 4 with Gardner Duvall and Patrick McKeivitt of Whiteford, Taylor & Preston (representing Intervenor Sugarloaf Partnership, LLC dba Germantown Plaza Shopping Center), who consent to it, and Thomas D. Murphy (representing Intervenor Westmore Auto Park) who takes no position. Although the recently filed Sixth Amended Complaint adds six (6) new Defendants to the

1. As the Court is aware, during the Status Conference on February 26, 2020, Plaintiff Class Counsel requested, and the Court granted Plaintiff Class Counsel the authority to discuss and negotiate settlements on behalf of Plaintiffs with any of the remaining Defendant Class Members without seeking separate approval of the Court under Md. Rule 2-231(i). As granted by the Court, Plaintiff Class Counsel may accept a settlement so long as the resulting amount paid is in excess of the amount that the Defendant Class Member would have paid under the proposed terms of the Final Judgment Approving 2019 Proposed Compromise of Plaintiffs' Claims (Dkt. No. 865) ("2019 Final Judgment").

2. In granting such authority, the Court noted that for any such settlement, the Court will require Plaintiff Class Counsel to seek approval for any distributions made to the members of the Plaintiff Class.

Recap of the 2019 Settlement:

3. The 2019 Final Judgment defined two Plaintiff subclasses:

Plaintiff Settlement Subclass A- First Year Tows

All individuals in the Plaintiff Class certified by the Court on May 3, 2016, whose vehicles were non-consensually towed by G&G Towing from one of the Parking Lots owned or managed by the members of Defendant Settlement Subclass A and Defendant Settlement Subclass B between April 16, 2012 and April 25, 2013.

Plaintiff Settlement Subclass B - Non-First Year Tows

All individuals in the Plaintiff Class certified by the Court on May 3, 2016, whose vehicles were non-consensually towed by G&G Towing from one of the Parking Lots owned or managed by the members of Defendant Settlement Subclass A and Defendant Settlement Subclass B between April 26, 2013 and June 23, 2017.

litigation, the summonses have not yet been received. Thus, because none of the new Defendants have been served with the Complaint, their consent was not sought.

4. In connection with the 2019 Final Judgment, the following amounts were paid by Defendant Class members and then distributed to the Plaintiff Settlement Class:

Subclasses	Settlement Payment Per Tow	Distribution Per Tow to the Plaintiff Class (after reduction for attorney's fees and costs)
Subclass A – First Year Tows	\$72 ⁰⁰	\$45 ⁰⁰
Subclass B – Non-First Year Tows	\$400 ⁰⁰	\$244 ⁸²

The New Settling Defendants

5. Below is a summary of the settlements with the New Settling Defendants (using the same “Subclass A” and “Subclass B” designations as the 2019 Final Judgment), the number of tows from their respective Parking Lots, and the amounts that they have each agreed to pay into the Common Fund Escrow:

New Settling Defendant Class members	# of Subclass A Tows	# of Subclass B Tows	Subclass A Payment/tow	Subclass B Payment/tow	Total Settlement Payment
Kohl's Dept Store	0	55	n/a	\$427 ⁰⁰	\$23,486⁰⁰
Wedgewood Court Townhouse HOA, Inc.	14	20	\$99 ⁰⁰	\$427 ⁰⁰	\$9,926⁰⁰
Connor, LLC	544	84	\$99 ⁰⁰	\$427 ⁰⁰	\$89,724⁰⁰
TOTALS	558	159			\$123,146⁰⁰

6. As shown in the chart above, the aggregate Settlement Payments made by the New Settling Defendant Class members – **\$123,146⁰⁰** – extinguishes the claims of 717 Plaintiff Class members.

7. Out of the \$123,146⁰⁰, **\$41,048⁶⁷** is due to Plaintiff Class Counsel as their one-third (1/3) award of attorney’s fees, consistent with ¶14 of the Court’s Judgment entered on May 5, 2016 (Dkt. No. 144) and ¶14 of the 2019 Final Judgment (Dkt. No. 85).

8. Following deduction of this amount, **\$82,097³³** remains in the Common Fund Escrow for distribution to **717** Plaintiff Settlement Class Members corresponding to the New Settling Defendants.

9. Plaintiff Class Counsel proposes that the net amount – **\$82,097³³** – be distributed, if approved by the Court, as follows:

Each Plaintiff Subclass A member will receive a check for **\$66⁰⁰**
Each Plaintiff Subclass B member will receive a check for **\$284⁶⁷**

(collectively “Settlement Checks”).

10. Plaintiffs intend to mail the Settlement Checks within Thirty (30) days of the Court’s approval of this Distribution Plan No. 4. Plaintiff Class members will have 120 days to cash the Settlement Checks after which the *cy pres* provisions of the Final Judgment (¶16) (Dkt. No. 865) shall become operative as to any residual funds.

11. Finally, Plaintiffs note that as a result of the Settlements with Defendant Class members Kohl’s, Wedgewood and Connor, LLC, there remain only **2,004** Plaintiff Class members remaining in the Plaintiff Class for litigation purposes. Since the Plaintiff Class as originally constituted included nearly 28,000 individuals, Plaintiff Class Counsel are pleased to report that approximately 92.8% of the entire Plaintiff Class has now been paid.


WHEREFORE, the Plaintiff Class requests that the Court approve the Consent Plan for Distribution of the Common Fund Escrow Account to the Members of the 2019 Plaintiff Settlement Class as set forth above.

Respectfully submitted,

Richard S. Gordon
rgordon@GWCfirm.com
Benjamin H. Carney
bcarney@GWCfirm.com
Kirsten S. Krogen
kkrogen@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 Plaintiff Class

By:


Richard S. Gordon

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March 2020, I served the foregoing Consent Distribution Plan No. 4 and proposed Order by electronic mail and first-class mail, postage prepaid on:

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

Longmead Crossing Condominium and
Summit Management Services Inc.
c/o Summit Management Services Inc.
3833 Farragut Ave.
Kensington, MD 20895

Serve on:
Mr. Mark Olinger, Resident Agent
3833 Farragut Ave.
Kensington, MD 20895

John R. Garza d/b/a
Olde Town Parking
17 West Jefferson St.
Rockville, MD 20850

Serve on:
Mr. John Garza
17 West Jefferson St.
Rockville, MD 20850

Redmill Shopping Center
Associates Limited Partnership
5307 N. Charles St.
Baltimore, MD 21210

Serve on:
Ms. Lynn Kapiloff, Resident Agent
5307 N. Charles St.
Baltimore, MD 21210

Kapiloff Services, LLC
5307 N. Charles Street
Baltimore, MD 21210

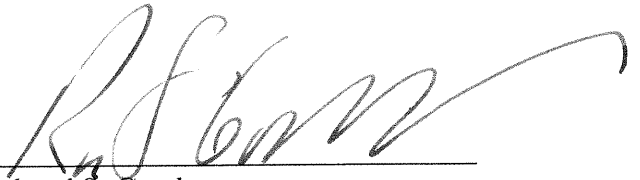
Serve on:
Theodore W. Hirsh
Suite 620
100 North Charles St.
Baltimore, MD 21201

John Spanos d/b/a New
Hampshire Center
6822 New Hampshire Ave
Takoma Park, MD 20912

Serve on:
Charles Thomas Brown, Esq.
Silver & Brown, P.C.
10621 Jones Street, Suite 101
Fairfax, VA 22030

Harvey Property Management Company, Inc.
6708 Wisconsin Avenue, Suite 360
Bethesda, MD 20815

Serve on:
Mr. Richard M. Heger, Resident Agent
6708 Wisconsin Avenue, Suite 360
Bethesda, MD 20815



Richard S. Gordon