

QUAN-EN YANG, *et al*,
on their own Behalf and on Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

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

Defendants.

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

* * * * *

**Plaintiffs’ Motion for Entry of Order of Default
Against Defendant John Garza d/b/a Olde Town Parking**

Plaintiffs, by and through their undersigned Plaintiff Class Counsel, move pursuant to Md. Rule 2-613(b) for entry of an Order of default judgment against Defendant John Garza d/b/a Olde Town Parking (“Mr. Garza”), for failure to file an Answer or otherwise respond to the Complaint in this action (the “Sixth Amended Complaint”). In support thereof, Plaintiffs state as follows:

1. On February 25, 2020, Plaintiffs filed with the Court their Sixth Amended Complaint, naming, for the first time, Mr. Garza as a Defendant. Dkt. No. 896.
2. On July 10, 2020, Plaintiffs served Mr. Garza with the Writ of Summons and Sixth Amended Complaint in accordance with Md. Rule 2-121(a)(3), by certified mail, restricted delivery. Plaintiffs filed an affidavit of service and return receipt with the Court on July 16, 2020. Dkt. No. 929.
3. Although Mr. Garza filed a Motion to Quash, claiming that he was not served, Dkt. No. 935, the Court denied his Motion on September 30, 2020. Dkt. No. 952.

4. The last known address of Mr. Garza is 17 West Jefferson Street, Rockville, MD 20850.

5. Where the time for filing an answer expires and defendant has failed to file a timely response to the Complaint as required, Md. Rule 2-613 provides that “the court, on written request of the plaintiff shall enter an order of default.” Md. Rule 2-613(b).

6. Because more than 30 days have passed since service on July 10, 2020, and Mr. Garza failed to file an answer or other responsive pleading, Plaintiffs respectfully request that the Court enter an order of default against Mr. Garza.

Dated: October 19, 2020

Respectfully submitted,

Richard S. Gordon
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(410) 825-2300 (telephone)
(410) 825-0066 (facsimile)



Sara E. Assaid

Affidavit of Non-Military Service

I, Sara Assaid, certify under penalty of perjury, that Plaintiffs have obtained a Status Report pursuant to the Servicemember’s Civil Relief Act 50 U.S.C. §3901 et. seq. (attached) from the Department of Defense Manpower Data Center, which indicates that John R. Garza is not a member of the active military.



Sara E. Assaid

Certificate of Service

I hereby certify that on this 19th day of October, 2020, a copy of the foregoing Plaintiffs' Motion for Entry of Order of Default Judgment was served by electronic mail or first-class mail, postage prepaid on the following:

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

Justin Cameron
Cameron Mericle, P.A.
7875 Belle Point Drive
Greenbelt, Maryland 20770

Charles Thomas Brown
Erik Lawson
Silver & Brown, P.C.
10621 Jones Street, Suite 101
Fairfax, Virginia 22030

John Moody
101 N Adams Street
Rockville, Maryland 20850



Sara E. Assaid



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN:
 Birth Date: Jun-XX-1957
 Last Name: GARZA
 First Name: JOHN
 Middle Name: RAY
 Status As Of: Oct-19-2020
 Certificate ID: X6XV2QPW3TQZH3

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

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* * * * *

Order of Default

UPON CONSIDERATION OF Plaintiffs’ Motion for Entry of Order of Default for the failure of Defendant, John Garza d/b/a Olde Town Parking to answer or otherwise file a responsive pleading to Plaintiffs’ Sixth Amended Class Action Complaint and Demand for Jury Trial, it is this ____ day of _____, 2020, by the Circuit Court for Montgomery County,

ORDERED, that default shall be ENTERED, and hereby is ENTERED, against Defendant John Garza d/b/a Olde Town Parking.

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