

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  
\*

\* \* \* \* \*

**PROPOSED PLAN FOR DISTRIBUTION OF THE  
COMMON FUND ESCROW ACCOUNT TO THE  
MEMBERS OF THE 2019 PLAINTIFF SETTLEMENT CLASS**

Plaintiffs, by and through the undersigned Class Counsel, in accordance with ¶16 of the Final Judgment Approving 2019 Proposed Compromise of Plaintiffs’ Claims, Form Settlement Demand and Certifying Settlement Classes (Dkt. No. 865) (“2019 Final Judgment”), hereby present the Court with the following Plan for Distribution of the Common Fund Escrow Account to the Members of the 2019 Plaintiff Settlement Class (“Plan”):

1. 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.

2. The time has expired for Defendant Class Members to accept the 2019 Settlement.
3. As of the filing of this Plan, Plaintiffs report that 251 of the 372 Defendant Class Members took the 2019 Settlement and paid the Common Fund Escrow a combined total of **\$2,022,429.39**.<sup>1</sup>
4. Of these amounts, out of the Common Fund Escrow Account:
  - A. **\$5,000** was paid to Plaintiff Class Representative Matthew Lewis as an awarded incentive fee under ¶13 of the 2019 Final Judgment (Dkt. No. 865);
  - B. **\$598,679.33** has been paid or is due to the Plaintiffs' Class Counsel as their award of attorney's fees and costs under ¶14 of the 2019 Final Judgment; and
  - C. **\$261,995.70** has been paid or is due to the Defendant Class Counsel (Kramon & Graham) as their awarded attorney's fees and cost under ¶15 of the 2019 Final Judgment.

Following deduction of these amounts, **\$1,156,754.36** remains in the Common Fund Escrow for distribution to **9,722** Plaintiff Settlement Class Members (*i.e.*, the number of Plaintiff Class Members who correspond to the Defendant Class Members that accepted the 2019 Settlement).<sup>2</sup>

5. The **\$1,156,754.36** in the Common Fund for the benefit of the **9,722** 2019 Plaintiff Settlement Classes, breaks down as follows:

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<sup>1</sup> This amount also includes a small amount of interest paid on the funds in the Common Fund Escrow Account.

<sup>2</sup> Following the 2018 Settlement, **12,443** Plaintiff Class members remained in the Plaintiff Class. Because **9,722** Plaintiff Class members will now be paid as a result of the 2019 Settlement, only **2,721** Plaintiff Class members remain in this case going forward. *See also* ¶9.

<b>Class</b>	<b>No. of Corresponding Plaintiff Class Members</b>	<b>Corresponding Amount in Common Fund Escrow</b>
Subclass A – First Year Tows	6470	\$306,116.22
Subclass B – Non-First Year Tows	3352	\$850,638.14

6. Plaintiffs propose leaving \$45,000 in the Common Fund to cover future costs of administration for the Classes – \$15,000 allocated to Subclass A; \$30,000 allocated to Subclass B.

7. The remaining amounts will be distributed in equal amounts to the members of the Plaintiff Settlement Subclasses on a pro rata basis. Thus, each Plaintiff Settlement Subclass A Member will receive a check for **\$45.00**; each Plaintiff Settlement Subclass B Member will receive a check for **\$244.82** (collectively “Settlement Checks”).<sup>3</sup>

8. Plaintiffs intend to mail the Settlement Checks within Thirty (30) days of the Court’s approval of this Plan. Class Members will have 120 days to cash the Settlement Checks.

9. Plaintiffs note that as a result of the 2018 and 2019 Settlements with the Defendant Class, there remain only 2,721 Plaintiff Class members for litigation purposes. Since the Plaintiff Class as originally constituted included nearly 28,000 individuals, Plaintiff Class Counsel are pleased to report that approximately 90% of the entire Plaintiff Class has now been paid. *See also* Footnote 2, above.

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<sup>3</sup> As the Court may recall, the Plaintiff Class members who received a settlement check from the first settlement with the Defendant Class in 2018 received settlement payments totaling **\$244.44**. Considering that Plaintiffs paid an average of \$168-\$178 to retake possession of their vehicles from G&G Towing, the settlement payments in both the 2018 and 2019 Settlements provide a substantial recovery for Plaintiff Class members in this case.

10. Finally, Plaintiffs are preparing and expect to soon file a Status Report with the Court addressing: (a) the status of the current Defendant Class Representative, Bruce Patner t/a Patner Properties (and by extension, the status of Defendant Class Counsel (Kramon & Graham) in this case), (b) Plaintiffs' preparation of an amended complaint adding additional absent Defendant Class members as parties to the litigation, and (c) a plan for the future course of this litigation.

11. Plaintiffs sent a draft of this Plan to Defendant Class Counsel and counsel for intervenors asking for consent. While Plaintiffs do not expect either will object to this Plan, as of this filing, Plaintiffs have not yet heard back from Defendant Class Counsel or counsel for intervenors.

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

Respectfully submitted,

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*Attorneys for the 2019 Plaintiff Settlement Class*

By: Richard Gordon (Kirsten Krogen, with permission)  
Richard S. Gordon

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of December 2019, I served the foregoing Proposed Plan for Distribution of the Common Fund Escrow Account to the Members of the 2019 Plaintiff Settlement Class and proposed Order by first-class mail, postage prepaid on:

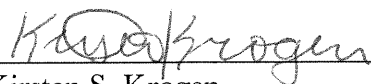
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\_\_\_\_\_  
Kirsten S. Krogen

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\* \* \* \* \*

**ORDER APPROVING PLAN FOR DISTRIBUTION OF THE  
COMMON FUND ESCROW ACCOUNT TO THE MEMBERS  
OF THE 2019 PLAINTIFF SETTLEMENT CLASS**

Upon consideration of Plaintiffs’ Proposed Plan for Distribution of the Common Fund Escrow Account to the Members of the 2019 Plaintiff Settlement Class (“Plan”), submitted in accordance with ¶16 of the Final Judgment Approving 2019 Proposed Compromise of Plaintiffs’ Claims, Form Settlement Demand and Certifying Settlement Classes (Dkt. No. 865) (“2019 Final Judgment”), any response(s) by the Defendant Settlement Class thereto, and given that the time for Defendant Class Members to accept the 2019 proposed compromise of Plaintiffs’ claims has expired, and for good cause shown, it is this \_\_\_\_ day of \_\_\_\_\_, 2019/2020,

ORDERED that the Plan is hereby APPROVED,

IT IS FURTHER ORDERED that Plaintiffs shall mail Settlement Checks in the

amount of: (1) \$45.00 to each of the 6,470 members of Plaintiff Settlement Subclass A, and  
(2) \$244.82 to each of the 3,352 members of Plaintiff Settlement Subclass B, within thirty  
(30) days of the entry of this Order,

IT IS FURTHER ORDERED that each of the 2019 Plaintiff Settlement Class Members shall have 120 days to cash their Settlement Checks after which the *cy pres* provisions of the Final Judgment (¶16) (Dkt. No. 865) shall become operative as to any residual funds.

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Ronald B. Rubin  
Judge, Circuit Court for Montgomery County