

QUAN-EN YANG, *et al.*

Plaintiffs,

v.

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

Defendants.

\* IN THE  
\* CIRCUIT COURT

\* FOR

\* MONTGOMERY COUNTY

\* Case No.: 403885V  
\* TRACK VI

\*  
\* Hon. Ronald B. Rubin  
\* Specially Assigned

\* \* \* \* \*

**JOINT MOTION TO INCLUDE MONTGOMERY MEWS CONDO ASSOCIATION AND THE KNOLLS AT NORTH LAKE IN THE DEFENDANT SETTLEMENT CLASS *NUNC PRO TUNC***

The Plaintiff and Defendant Settlement Classes, by and through their undersigned counsel, jointly move the Court to include: (1) Montgomery Mews Condo Association; and (2) The Knolls at North Lake in the Defendant Settlement Class approved by the Court on January 16, 2018, *nunc pro tunc* and as grounds state as follows:

1. On January 16, 2018, this Court entered a Final Judgment approving a Settlement Agreement between the Plaintiff Settlement Class and the Defendant Settlement Class. Dkt. No. 369. The Final Judgment incorporates two (2) exhibits including Exhibit A which identifies a “a small number of absent Defendant Settlement Class Members [that] did not receive notice of the proposed Class Action Settlement despite the best efforts of the Escrow Administrator.” *Id.* at ¶10.

2. Because the Escrow Administrator was not confident that the forty-three (43) Defendant Class Members identified in Exhibit A received the Notice of the class action settlement, the Parties proposed and the Court agreed that the more prudent approach was to

exclude each of these entities “from the Defendant Settlement Class but [have them] remain as members of the Defendant Litigation Class certified by the Court on November 14, 2016 (Dkt. No. 219).” *Id.*

3. Montgomery Mews Condo Association (“Montgomery Mews”) and The Knolls at North Lake (“The Knolls”) are two of the forty-three (43) entities identified on Exhibit A to the Final Judgment.

4. On February 6, 2018, a representative of the management company for Montgomery Mews – Abaris Realty, Inc. – contacted Counsel for the Defendant Settlement Class and advised that Montgomery Mews wanted to participate in the Settlement.

5. On February 7, 2018, a representative of The Knolls contacted Counsel for the Defendant Settlement Class and advised that The Knolls wanted to participate in the Settlement.

6. Because it appears that both Montgomery Mews and The Knolls were included on Exhibit A to the Final Judgment in error, and because it serves the ends of justice to permit Montgomery Mews and The Knolls to take advantage of the Settlement, Plaintiffs and Defendants jointly request that the Court, *nunc pro tunc*, include Montgomery Mews and The Knolls in the Defendant Settlement Class.

Respectfully submitted,

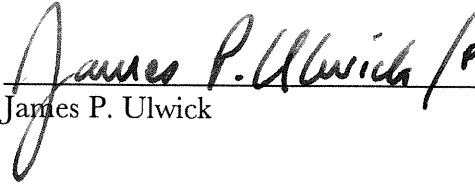
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the Plaintiff Settlement Class*

*Attorneys for Defendants and  
the Defendant Settlement Class*

By:   
Richard S. Gordon


By:  *with PERMISSION RSG*  
James P. Ulwick

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of February, 2018, copies of the foregoing Joint Motion to Include Montgomery Mews Condo Association and The Knolls at North Lake in the Defendant Settlement Class *nunc pro tunc* were served by electronic and first-class mail, postage prepaid, on:

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Richard S. Gordon

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**ORDER**

UPON CONSIDERATION of the Joint Motion to Include Montgomery Mews Condo Association and The Knolls at North Lake in the Defendant Settlement Class *nunc pro tunc*, and for good cause shown, it is this this \_\_\_\_\_ day of February, 2018, hereby,

ORDERED, that the Motion is GRANTED;

IT IS FURTHER ORDERED that Montgomery Mews Condo Association shall be and is hereby removed from Exhibit A to the Final Judgment, *nunc pro tunc*;

IT IS FURTHER ORDERED that The Knolls at North Lake shall be and is hereby removed from Exhibit A to the Final Judgment, *nunc pro tunc*;

IT IS FURTHER ORDERED that Montgomery Mews Condo Association and The Knolls at North Lake are members of the Defendant Settlement Class, shall be included in the Defendant Settlement Class, and shall be bound by the Settlement Agreement, *nunc pro tunc*; and,

IT IS FURTHER ORDERED that Plaintiffs' Class counsel shall ensure that Montgomery Mews Condo Association, Inc. and The Knolls at North Lake, are provided with a

copy of any invoice required to be sent to members of the Defendant Settlement Class under the Settlement Agreement and/or Final Judgment.

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