

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
*

* * * * *

ADMINISTRATIVE ORDER NUMBER 3

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.

("Defendant Litigation Class").

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. The objectives will be satisfied by mailing of the attached

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Clerk of the Circuit Court

notice (the "Notice"). The Court recognizes that Plaintiffs, as authorized by the Court earlier in this litigation, set up and established the website *www.TowingClassAction.com*. Defendants have requested and the Court has also approved Defendant Class Counsel to establish and set up a separate website for Defendant Class members. If such a website is established and published, it shall include, *inter alia*, further information and documents about this lawsuit, including but not limited to a copy of the Court's docket, as well as links to pdf copies of selected pleadings, documents, papers and orders from the docket ("Defendant Class Website"). The Defendant Class Website shall also provide members of the Defendant Class with the names and contact information for all Counsel appointed by the Court to represent the Defendant Class.

3. On May 12, 2016, the Court approved Administrative Order Number 1 ("Admin. Order No. 1"), which required that the putative Defendant Class members receive notice of the pendency of this class action. Dkt. No. 148. In Admin. Order No. 1, the Court approved the notice under Md. Rules 2-231(e) and 2-231(f)(2), the latter of which provides that the Court may enter Orders "requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in the manner the court directs to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action." The Court found that the form and manner of the notice approved by Admin. Order No. 1 satisfied these objectives. Dkt. No. 148 at ¶2.

4. Subject to the procedures set forth below, Plaintiffs shall send the Notice approved by this Order, attached as **Exhibit 1**, by regular mail to all Parking Lot owners, managers and

agents (collectively “Parking Lot owners”) who were identified by G&G Towing as having entered into a contract with G&G Towing for the provision of trespass towing services during the Class Period. However, no Notice shall be mailed to those Defendant Litigation Class Members who settled all of their claims with the Plaintiff Class, in connection with the Settlement Agreement approved by the Court on January 16, 2018. *See* Dkt. Nos. 368 & 369. The Notice shall advise the members of the Defendant Litigation Class of their right to: (a) file an objection to their inclusion in the Defendant Class if the Parking Lot owner has evidence that it does not fall within the Class Definition approved by the Court (*see* ¶1, above); (b) seek to intervene in this lawsuit pursuant to Md. Rule 2-231(f)(2), and mount any defense the Parking Lot owner has against the Plaintiffs’ claims, if the Defendant Class member believes that the Named Class Defendant Representative is inadequate to represent the Defendant Litigation Class in this case; or (c) otherwise object.

5. Within ten (10) days of entry of this Administrative Order No. 3, Plaintiffs shall provide Counsel for Named Class Defendant with a list of all Parking Lot owners who Plaintiffs contend are members of the Defendant Litigation Class.

6. The Court hereby approves the Notice attached hereto as **Exhibit 1** and finds that said form complies with the requirements of Rule 2-231 of the Maryland Rules of Civil Procedure and due process. Unless the schedule is modified by further Order of this Court, the schedule respecting Notice shall proceed as follows:

A. The Notice, **Exhibit 1**, shall be sent under the direction of Plaintiffs’ Class Counsel to all Defendant Litigation Class members within Thirty (30) days of the entry of this Administrative Order No. 3.

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Clerk of the Circuit Court
Montgomery County, Md.

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

C. If Defendant Litigation Class Counsel establish and set up the Defendant Class Website identified in ¶2 above, they shall upload and publish it, at their own expense, contemporaneous with the Mailing.

D. Within Ten (10) days of the Mailing, Plaintiffs’ Class 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.

E. Within Thirty (30) days of the Mailing, any Parking Lot owner who receives the Notice may file with the Court (and served on Class Counsel for the Plaintiffs and Defendants) an objection to their inclusion in the Defendant Litigation Class, under ¶4(a) above, if it has a good faith belief consistent with Md. Rule 1-311, that it: (i) does not fall within the Class Definition approved by the Court on November 14, 2016 (*see* ¶1, above) (hereinafter “Objection to Membership”); or (ii) fully settled and resolved the claims against it by the Plaintiff Class under the Settlement Agreement approved by the Court on January 16, 2018. *See* Dkt. Nos. 368 & 369. Any such Objection to Membership in the Defendant Litigation Class shall state and include: (1) the name and address of the Parking Lot owner; (2) the name and address of any attorney(s) representing it; (3) whether, prior to or after April 16, 2012 it entered into a written contract with

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Clerk of the Circuit Court

G&G Towing; and (4) whether, between April 16, 2012 and January 7, 2016, G&G Towing towed one or more vehicles from a Parking Lot owned, managed or operated by it. Objections shall be supported by an Affidavit of the Objecting party in accordance with Md. Rule 1-304.

F. Any member of the Defendant Litigation Class seeking to intervene (as set forth in ¶4(b) above) shall do so by filing a request to intervene with the Court (and served on Class Counsel for the Plaintiffs and Defendants). Such request to intervene shall be no more than five (5) pages, shall set forth the basis for the intervention and shall be considered timely if filed within 30 days from the date the Notice is mailed to the members of the Defendant Litigation Class.

G. Any member of the Defendant Litigation Class seeking to object (as set forth in ¶4(c) above), shall do so by filing the objection with the Court (and served on Class Counsel for the Plaintiffs and Defendants). Such objection shall be no more than five (5) pages, shall set forth the basis for the objection and shall be considered timely if filed within 30 days from the date the Notice is mailed to the members of the Defendant Class.

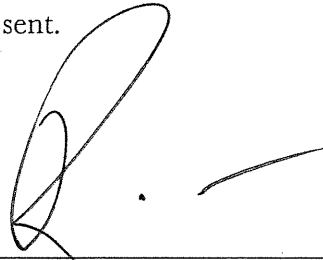
H. Upon receipt of any papers filed pursuant to ¶¶ 6 (E), (F) and (G), the Court shall determine whether and if any response by Plaintiffs is necessary and appropriate, before ruling.

7. Pursuant to Rule 2-231 of the Maryland Rules of Civil Procedure, the Court hereby finds and concludes that the Mailing pursuant to ¶6 above constitutes individual notice to

those members of the Defendant Litigation Class who have been or who can be identified through reasonable effort; that such Notice provides due and sufficient notice of the matters set forth in the Notice to all persons entitled to such notice; and that said program of notice fully satisfies the requirements of Md. Rule 2-231 and due process.

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 the name and address of each person/resident agent to whom notice was sent.

Date: March 6, 2018



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

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Clerk of the Circuit Court
Montgomery County, Md.

Quan-En Yang et al.,
Plaintiffs,

v.

G & C Gulf, Inc., et al.,
Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* MONTGOMERY COUNTY
* Case No. 403885V
* Track VI
* Hon. Ronald B. Rubin

* * * * *

NOTICE OF LAWSUIT FILED AGAINST DEFENDANT LITIGATION CLASS,
CERTIFICATION OF DEFENDANT LITIGATION CLASS, AND
OPPORTUNITY TO SEEK INTERVENTION OR 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 _____, 2018, you may, but are not required to take certain actions in response to the Court's Order. You may be able to (a) object to your membership in the Defendant Litigation Class if you have a good faith belief that you do not fall within the Class Definition approved by the Court on November 14, 2016; (b) object to your membership in the Defendant Litigation Class if you have a good faith belief that you fully settled and resolved the claims brought by the Plaintiff Class by participating in the Settlement Agreement approved by the Court on January 16, 2018; (c) seek to intervene in the lawsuit pursuant to Md. Rule 2-231(f)(2), and mount any defense you may have against the Plaintiffs' claims, if you believe that the Named Class Defendant Representative is inadequate to represent the Defendant Class in this case; or (c) otherwise object.

If you wish for the Court to consider any request to intervene or your objection to your inclusion in the Defendant Class or otherwise, then by [DATE], you or your lawyer must file your request to intervene or 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
Jean E. Lewis
KRAMON & GRAHAM
1 South Street, Suite 2600
Baltimore, Maryland 21202

Plaintiff Class Counsel:

Richard S. Gordon
Benjamin H. Carney
GORDON, WOLF & CARNEY, CHTD.
100 West Pennsylvania Ave., Suite 100
Towson, Maryland 21204

The Court has limited any such request to intervene or objection to not more than five (5) pages total. 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.

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

Dated: _____

Clerk,
Circuit Court for Montgomery County, Maryland

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. The Named Defendant Class Representative is Bruce Patner t/a Patner Properties, 110 N. Washington Street, Suite 340, Rockville, Maryland 20850.

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 you had a contract with G&G Towing for the provision of 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.

If I participated in the Settlement recently approved by the Court, did I receive this notice by mistake? Likely no. The recent settlement between the Plaintiffs and the Defendant Settlement Class only settled some of the claims against the Defendant Parking Lot owners and managers. If you received this notice it is because you either: (1) opted out of the settlement; (2) had vehicles towed by G&G Towing from your property between April 16, 2012 and April 25, 2013; or (3) the Parties were previously unable to serve you with notice of the earlier class action settlement (and, thus, the Court Ordered that you be treated the same as a Defendant that opted out of the Settlement). If none of these circumstances apply to you, you should contact Defendants’ Class Counsel for further information.

What Action Should I Take If I Do Not Believe that I Am Properly Included in the Certified Defendant Class or if I Wish to Seek to Intervene in the Lawsuit or File an Objection? You may file an objection to your inclusion in the Defendant Class if you have a good faith belief that you do not fall within the Class Definition approved by the Court on November 14, 2016. You may also seek to intervene in the lawsuit and mount any defense you may have against the Plaintiffs’ claims, if you believe that Named Class Defendant Representative Bruce Patner t/a Patner Properties is inadequate to represent the Defendant Class. You may also file an objection. Instructions on and requirements for doing so are on the website www.towingdefenseclassaction.com. The Court has limited any such request to intervene or objection to not more than five (5) pages total.

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.

Where can I get more information? The website www.towingdefenseclassaction.com includes additional information about this lawsuit including documents from the Court docket.

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.