

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

BRUCÈ 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

RECEIVED

FEB 28 2018
Clerk of the Circuit Court
Montgomery County, Md.

* * * * *

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

Plaintiffs, by and through the undersigned Class Counsel, in accordance with ¶26 of the Final Judgment Approving Settlement and Certifying Settlement Classes (Dkt. No. 369)(“Final Judgment”), and with the consent of Defendant Settlement Class, hereby present the Court with the following proposed Plan for Distribution of the Common Fund Escrow Account to the Members of the Plaintiff Settlement Class (“Plan”):

1. On January 16, 2018, the Court entered the Final Judgment which, at ¶26 provides, that:

The Court ORDERS Plaintiffs’ Class Counsel, within thirty (30) days of the Effective Date, to provide the Court with a plan for distribution of the Common Fund Escrow Account to the members of the Plaintiff Class.

Final Judgment at ¶26. Dkt. No. 269.

2. The Parties are now beyond the Effective Date. As of the filing of this Plan, Plaintiffs report that 331 of the 430 Defendant Settlement Class Members have paid the

Common Fund Escrow a combined total of **\$5,640,878.25** million.¹

3. Of these amounts, out of the Common Fund Escrow Account:
 - (a) **\$5,000** is due to the Plaintiff Class Representatives Mary Lois Pelz and Darcy Pelz-Butler as their awarded incentive fee under ¶ 29 of the Settlement Agreement (and approved in the Final Judgment at ¶23);
 - (b) **\$1,786,158.14** is due to the Plaintiffs' Class Counsel as their initial award of attorney's fees and costs under ¶ 30 of the Settlement Agreement (as approved in the Final Judgment at ¶23); and
 - (c) **\$332,713.92** is due to the Defendant Settlement Class Counsel (Kramon & Graham) as their awarded attorney's fees and cost under ¶ 23 of the Settlement Agreement (as approved in the Final Judgment at ¶24).

Following deduction of these amounts, **\$3,637,720.82** million remains in the Common Fund for distribution to **16,518** Plaintiff Settlement Class Members. *See* fn 1.

4. Plaintiffs propose leaving \$100,000 in the Common Fund to cover future costs of administration.

5. The remaining **\$3,537,720.82** will be distributed in equal amounts to each of the **16,518** Plaintiff Settlement Class Members. Thus, each Plaintiff Settlement Class Members will receive a Check for **\$214.17** ("Settlement Check"). As additional payments from Defendant Settlement Class Members are collected and received into the Common Fund, Plaintiffs expect to submit a supplemental Plan for distribution of a second settlement check to the Plaintiff Settlement Class Members.²

¹ This amount – which includes both the per tow settlement payment as well as the assessments for the Defendants fees – represents a significant portion of the maximum amount due and owing under the Settlement Agreement – in excess of 80%. In addition, the Common Fund also includes an additional \$120,714.63 which, prior to the Settlement, was already in the Common Fund as the remainder of the G&G Towing's voluntary payment in partial satisfaction of the Judgment entered against G&G Towing on May 5, 2016. Dkt No. 144.

² As the Court may recall, most Plaintiff Settlement Class Members paid G&G Towing an average of \$168-\$178 to retake possession of their vehicles. Thus, the **\$214.17** Settlement Check will provide Plaintiff Settlement Class Members with a recovery, on average, in excess of 120% of what they paid G&G Towing to retake possession of their vehicles.

6. Finally, Plaintiffs intend to mail the checks within Thirty (30) days of the Court's approval of this Plan. Class Members will have 120 days to cash the Settlement Checks.

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 Plaintiff Settlement Class as set forth above.

Respectfully submitted,

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Attorneys for the Plaintiff Settlement Class

By:


Richard S. Gordon

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February 2018, I served the foregoing Plan for Distribution of the Common Fund Escrow Account to the Members of the Plaintiff Settlement Class by electronic mail and first-class mail, postage prepaid on:

James Ulwick
Jean E. Lewis
Kramon & Graham, PA
One South Street
Suite 2600
Baltimore, Maryland 21202

Matthew Patner
Patner Law
110 N. Washington Street
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Rockville, Maryland 20850

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Seven Saint Paul Street, Suite 1500
Baltimore, Maryland 21202



Richard S. Gordon

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* * * * *

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

Upon consideration of Plaintiffs' Proposed Plan for Distribution of the Common Fund Escrow Account to the Members of the Plaintiff Settlement Class ("Plan"), submitted pursuant to the Final Judgment Approving Settlement and Certifying Settlement Classes, at ¶26 (Dkt. No. 269) ("Final Judgment"), any response by the Defendant Settlement Class thereto, and for good cause shown, it is this ____ day of March, 2018:

ORDERED that the Plan is hereby APPROVED,

IT IS FURTHER ORDERED that Plaintiffs shall mail Settlement Checks in the amount of \$214.17 to each of the 16,518 Plaintiff Settlement Class Members, within thirty (30) days of the entry of this Order,

IT IS FURTHER ORDERED that each of the Plaintiff Settlement Class Members shall have 120 days to cash the Settlement Checks after which the *cy pres* provisions of the Final Judgment (§27) shall become operative as to any residual funds.

Ronald B. Rubin
Judge, Circuit Court for Montgomery County