

IN THE CIRCUIT COURT
FOR HOWARD COUNTY, MARYLAND

MB

JASON W. ROYAL)
)
and all others similarly situated)
)
Plaintiffs,)
)
v.)
)
EASTERN HOMES, INC., et. al.)
)
Defendants.)

ENTERED
JUL 2 2008

CLERK, CIRCUIT COURT
HOWARD COUNTY

Civil No: 13-C-04-059581 OC

TRUE COPY TEST

Margaret D. Lippard

CLERK

ORDER

AND NOW, upon consideration of Plaintiffs' Motion for Preliminary Approval of the Class I and Class II Settlements with Defendant Eastern Homes and other Released Parties (the "Motion") and Memorandum of Law in support thereof, and any defendant's response thereto,

IT IS, this 26th day of June, 2008, HEREBY ORDERED that the Motion is GRANTED. These actions (Class I and Class II) shall be maintained as a class action for settlement purposes in accordance with Maryland Rule of Civil Procedure 2-231 (a) and (b) pursuant to the following findings of fact:

1. The "Class I" is defined as "All persons in Maryland whose manufactured home was installed by Eastern Homes, Inc. in Maryland on or after August 25, 2000 and any person or entity with Similar Claims to those of the Named Plaintiffs in the *Royal* Action Class I and:
1) does not have footings under each pier that extend below the locally established frost line; or
2) does not have load carrying portions of the ground anchors that extend below the locally established frost line; or
3) does not have ground anchors which utilize either a stabilizer plate

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or a concrete cylindrical collar; or 4) does not have anchoring equipment that is capable of resisting an allowable working load equal to or exceeding 3,150 pounds and capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home; or 5) any person or entity with similar claims to those of the Named Plaintiffs in the *Royal* Action. Excluded from both Class I are the following: (i) Defendant, any person, firm trust, corporation or other entity affiliated with Defendant; (ii) any claims for actual personal injuries (any applicable statute of limitations will apply to these claims and the filing of this class action did not toll such claims), and (iii) class members who timely opt-out of any stipulation. 'Similar Claims' shall mean and include all claims by any person or entity, whether filed or un-filed, which are the same as or substantially similar to the underlying claims of the Named Plaintiffs in the *Royal* Action or which seek relief for damages that are the same as or substantially similar to those alleged by the Named Plaintiffs in the *Royal* Action. Similar Claims shall include and encompass any claim for damages, injunctive or declaratory relief arising out of Eastern Homes, Inc.'s alleged improper installation of a mobile home on or after August 25, 2000 and in which claimant(s) seek(s) repair or correction, or money damages for the repair or correction, of damage to the mobile home or the defective conditions allegedly caused by the improper installation. 'Similar Claims' does not include claims for bodily injury."

2. The "Class II" is defined as "All persons who are not members of Class I whose manufactured home was purchased from Eastern Homes, Inc. and installed in Maryland before August 25, 2000 and any person or entity with Similar Claims to those of the Named Plaintiffs

in the *Royal* Action Class II and 1) does not have footings under each pier that extend below the locally established frost line; or 2) does not have load carrying portions of the ground anchors that extend below the locally established frost line; or 3) does not have ground anchors which utilize either a stabilizer plate or a concrete cylindrical collar; or 4) does not have anchoring equipment that is capable of resisting an allowable working load equal to or exceeding 3,150 pounds and capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home; or 5) any person or entity with similar claims to those of the Named Plaintiffs in the *Royal* Action. Excluded from Class II are the following: (i) Defendant, any person, firm trust, corporation or other entity affiliated with Defendant; (ii) any claims for actual personal injuries (any applicable statute of limitations will apply to these claims and the filing of this class action did not toll such claims); and (iii) class members who timely opt-out of any stipulation. 'Similar Claims' shall mean and include all claims by any person or entity, whether filed or un-filed, which are the same as or substantially similar to the underlying claims of the Named Plaintiffs in the *Royal* Action or which seek relief for damages that are the same as those alleged by the Named Plaintiffs in the *Royal* Action. Similar Claims shall include and encompass any claim for damages, injunctive or declaratory relief arising out of Eastern Homes, Inc.'s alleged improper installation of a mobile home and in which claimant(s) seek(s) repair or correction, or money damages for the repair or correction, of damage to the mobile home or the defective conditions allegedly caused by the installation. 'Similar Claims' does not include claims for bodily injury.

3. There are questions of law and/or fact common to Class I and Class II;
4. The claims of Plaintiffs John and Cordelia Walser and Lawrence Corwin are typical of the claims of the Class I and the claims of Plaintiffs Jason Royal, Leonard and Melinda Stewart and Hamilton "Buddy" Shoop are typical of the claims of the Class II;
5. Plaintiffs will fairly and adequately protect the interests of Class I and Class II;
6. The prosecution of separate actions by individual members of Class I and Class II would create a risk of inconsistent or varying adjudications with respect to individual members which would establish incompatible standards of conduct for the parties opposing Class I and Class II, as well as a risk of adjudications with respect to individual members which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests;
7. The questions of law and/or fact common to the members of Class I and Class II predominate over any questions affecting only individual members;
8. A class action is superior to other available methods for the fair and efficient adjudication of this controversy;
9. Jon D. Pels, Esq., Lawrence J. Anderson, Esq, and Pels Anderson, LLC shall serve as Lead Class Counsel, with responsibility for implementing the plan of Settlement;
10. The Plan of Settlement Administration entitled "NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT WITH DEFENDANT EASTERN HOMES", including the proposed notice, is fair, reasonable, and in the best interest of Class Members and is preliminarily approved by the Court subject to a final hearing on this matter.
11. The Court has reviewed and is satisfied with the proposed Short and Long Forms

of notice to be given to the putative class members, which are attached to Plaintiffs' Motion for Preliminary Approval as Exhibits 1 and 2.

FOR GOOD CAUSE SHOWN, IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT:

A. The Notices of Class Action and Proposed Settlement with Defendant Eastern Homes, attached to this Order, attached to Plaintiffs' Motion for Preliminary Approval, are hereby approved. Plaintiffs' counsel shall cause notice of the preliminary approval of this Settlement to be delivered to the Settlement Class in the following manner:

(1) By mailing copies of the short-form notice (Exhibit 2) via first class mail to the address of each respective class member and to the last known address of members of the Settlement Class for whom such addresses are available if such address differs;

(2) By publishing the short and long forms of the notice of the settlement to the Settlement Class by publication on Class Counsel's web site www.pallaw.com.

(3) By publishing the short form notice (Exhibit 2) in a newspaper of general circulation in Howard, Anne Arundel, Baltimore, Charles, Frederick, Harford, Prince George's and Wicomico counties once a week for three consecutive weeks

B. Class Counsel shall implement the Notice of Class Action and Proposed Settlement with Defendant Eastern Homes as outlined therein and in this Motion for Preliminary Approval and Order Approving Class I and Class II Settlement Notice.

C. A hearing on Final Approval of this Settlement shall occur on October 2, 2008 at 9:30 a.m. Objections pursuant to the Notice of Class Action and Proposed Settlement with Defendant Maple Park, shall be submitted by September 15, 2008. In addition, each putative class member who wishes to exclude themselves from the settlement must file a written request for exclusion by no later than September 15, 2008.

D. The Court retains jurisdiction over this matter for such other and further orders as might be necessary and subject to any final hearing on this matter.

This the 26th day of June, 2008 **IT IS SO ORDERED.**



Honorable Lenore Gelfman
Circuit Court for Howard County, Maryland

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