

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RICHARD BRASKO, et al.,

Plaintiffs,

v.

Civil Case No. 1:20-cv-3489-SAG

**HOWARD BANK, successor by merger to
FIRST MARINER BANK**

Defendant.

* * * * *

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is, this 30th day of March, 2022, ORDERED that Plaintiffs’ Motion to Certify Class, ECF 31, is GRANTED. This Court hereby concludes that the Plaintiffs and the proposed class and subclasses have satisfied the requirements of Federal Rule of Civil Procedure 23(a) and 23(b)(3) as follows:

1. The proposed class and subclasses are so numerous that joinder of all members is impracticable. Fed. R. Civ. P. 23(a)(1).
2. There are questions of fact and law common to the class and subclasses. Fed. R. Civ. P. 23(a)(2).
3. The claims of the named Plaintiffs are typical of the class’s and subclass’s claims. Fed. R. Civ. P. 23(a)(3).
4. The named Plaintiffs have the same interests as the class and subclasses and are adequate representatives. Fed. R. Civ. P. 23(a)(4).
5. Michael Smith and Melissa English, of Smith Gildea & Schmidt LLC, and Timothy Maloney and Veronica Nannis, of Joseph, Greenwald & Laake, P.A., are qualified and adequate Class Counsel. Fed. R. Civ. P. 23(a)(4).
6. Questions of law or fact common to the members of the class and subclasses predominate over questions affecting only individual members. Fed. R. Civ. P. 23(b)(3).
7. A class action is a superior method of adjudication. Fed. R. Civ. P. 23(b)(3).

The following class and subclasses are certified under Rule 23 of the Federal Rules of Civil

Procedure as follows:

All individuals in the United States who were borrowers on a mortgage loan obtained from First Mariner Bank for which All Star Title, Inc. provided a settlement service, as identified in Section 1100 on the borrower's HUD-1 or Closing Disclosure, between January 1, 2012 and January 31, 2016. Exempted from this class is any person who, during the period of January 1, 2012 through January 31, 2016, was an employee, officer, member and/or agent of First Mariner Bank, Howard Bank, or All Star Title, Inc.

The RICO Subclass is comprised of all members of the First Mariner Class.

The RESPA Subclass is comprised of all members of the First Mariner Class who were borrowers on a federally related mortgage loan (as defined under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2602) between January 1, 2012 and January 31, 2016.

Plaintiffs Richard and Lorraine Brasko, and Plaintiff Eric Rubinstein are appointed class representatives.

Michael Smith and Melissa English, of Smith Gildea & Schmidt LLC, and Timothy Maloney and Veronica Nannis, of Joseph, Greenwald & Laake, P.A., are appointed Class Counsel.

The parties shall confer and submit to the Court a proposed form of Notice to the Class no later than 30 days from the entry of this Order.

Date: March 30, 2022

/s/
Stephanie A. Gallagher
United States District Judge